

COMMITTEE ON UN-AMERICAN ACTIVITIES

ANNUAL REPORT FOR THE YEAR 1957



FEBRUARY 3, 1958
(Original Release Date)

FEBRUARY 19, 1958.—Committed to the Committee of the Whole House
on the State of the Union and ordered to be printed

Prepared and released by the
Committee on Un-American Activities, U. S. House of Representatives
Washington, D. C.

COMMITTEE ON UN-AMERICAN ACTIVITIES

UNITED STATES HOUSE OF REPRESENTATIVES

FRANCIS E. WALTER, Pennsylvania, *Chairman*

MORGAN M. MOULDER, Missouri

CLYDE DOYLE, California

JAMES B. FRAZIER, Jr., Tennessee ¹

EDWIN E. WILLIS, Louisiana

BERNARD W. KEARNEY, New York

DONALD L. JACKSON, California

GORDON H. SCHERER, Ohio

ROBERT J. MCINTOSH, Michigan

RICHARD ARENS, *Staff Director*

¹ Mr. Frazier resigned from the committee and was replaced by Hon. William M. Tuck of Virginia on January 16, 1953.

Union Calendar No. 534

85TH CONGRESS <i>2d Session</i>	}	HOUSE OF REPRESENTATIVES	}	REPORT No. 1360
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COMMITTEE ON UN-AMERICAN ACTIVITIES ANNUAL REPORT FOR THE YEAR 1957

FEBRUARY 19, 1958.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. WALTER, of Pennsylvania, from the Committee on Un-American Activities, submitted the following

R E P O R T

[Pursuant to H. Res. 5, 85th Cong.]

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PUBLIC LAW 601, 79TH CONGRESS

The legislation under which the House Committee on Un-American Activities operates is Public Law 601, 79th Congress [1946], chapter 753, 2d session, which provides:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * **

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

RULE X

SEC. 121. STANDING COMMITTEES

* * * * *

17. Committee on Un-American Activities, to consist of nine Members.

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

(q) (1) Committee on Un-American Activities.

(A) Un-American activities.

(2) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (i) the extent, character, and objects of un-American propaganda activities in the United States, (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

* * * * *

RULE XII

LEGISLATIVE OVERSIGHT BY STANDING COMMITTEES

SEC. 136. To assist the Congress in appraising the administration of the laws and in developing such amendments or related legislation as it may deem necessary, each standing committee of the Senate and the House of Representatives shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee; and, for that purpose, shall study all pertinent reports and data submitted to the Congress by the agencies in the executive branch of the Government.

RULES ADOPTED BY THE 85TH CONGRESS

House Resolution 5, January 3, 1957

* * * * *

RULE X

STANDING COMMITTEES

1. There shall be elected by the House, at the commencement of each Congress,

* * * * *

(g) Committee on Un-American Activities, to consist of nine Members.

* * * * *

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

17. Committee on Un-American Activities.

(a) Un-American activities.

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* * * * *

26. To assist the House in appraising the administration of the laws and in developing such amendments or related legislation as it may deem necessary, each standing committee of the House shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee; and, for that purpose, shall study all pertinent reports and data submitted to the House by the agencies in the executive branch of the Government.

ANNUAL REPORT FOR THE YEAR 1957

SECTION I

SUMMARY

Nineteen hundred and fifty-seven has been one of the greatest years of triumph for the Kremlin and its confederates throughout the free world.

The hearings and investigations of the House Committee on Un-American Activities during the past year have brought to light various aspects of these successes. Together they lead to the inescapable conclusion that the menace of the international Communist apparatus increases each day.

The Soviet satellite in outer space has presented fresh evidence of Soviet Russia's technological progress—a progress made possible to a large degree by the penetration of our internal defenses by Soviet conspirators and their theft of some of our most vital military and scientific secrets.

The circumference of the free world in the past months has shrunk further; the epic propaganda setback dealt the Soviet Union by the Hungarian revolution has been largely overcome; the struggle for power within the Kremlin has brought new strength to Khrushchev; America's allies and the so-called neutral nations of the world confront the Communist challenge irresolute and divided.

Within the United States, the Communist apparatus has evolved new implements of political conquest. These have found root in, and have in turn contributed to, a dangerous climate of complacency which itself presents an acute threat to the very foundations of our security system.

Communist political subversion, as disclosed by the Committee on Un-American Activities, presents a danger to the American people equaling that of Soviet satellites and long-range missiles. The Soviet Union would prefer to achieve its program of success without the physical destruction of its enemies; if the gates can be opened from within by dupes and Communist agents, overt aggression by the Soviet Union will obviously be unnecessary. This would be a fulfillment of Lenin's prophecy made at the inception of the international Communist empire:

First we will take Eastern Europe, then the masses of Asia, then we will encircle the United States, which will be the last bastion of capitalism. We will not have to attack. It will fall like an overripe fruit into our hands.

The Communist Party, since the upheaval which ensued after Stalin's death, has lost considerable numerical membership. Many former party stalwarts have been expelled or have resigned. Nevertheless, the Communist leadership in the United States has proved

itself equal to its assigned task. In a fundamental shift of tactics, their former cries for revolution and forcible overthrow of the Government have been muted and replaced by more subtle calls for "peaceful coexistence," "universal disarmament," and the like.

It is essential to remember, however, that the effectiveness of the Communist operation bears no relationship to the size of the party as a formal entity. A compact, hard-core elite can be and is of greater value to the Kremlin than would be an unwieldy mass of undisciplined and vagarious adherents.

The fallacy of trying to appraise the Communist threat in terms of numbers, declared Dr. Frederick C. Schwarz,¹ is like—

trying to determine the validity of the hull of the boat by relating the area of the holes to the area which is sound. One hole can sink the ship. Communism is the theory of the disciplined few controlling and directing the rest. One person in a sensitive position can control, manipulate, and, if necessary, destroy thousands of others.

Notwithstanding the eruptions which have occurred in the Communist Party in the United States and the resignation of several key officials of the party, the Communist operation today presents a menace more serious than ever before.

Reasonably, it may be asked, "How is this possible?" There are three principal explanations:

1. The Communist apparatus is employing new applications of its historic united-front program in which Communists penetrate and obtain positions of influence in nominally non-Communist organizations whose programs they can exploit in pursuance of objectives desired by the Kremlin. These tactics accord with classic Communist doctrine. They were concisely formulated by the former Secretary General of the Communist International, Georgi Dimitrov, at the Lenin School of revolutionary leadership in Moscow in the following words:

As Soviet power grows, there will be a greater aversion to Communist parties everywhere. So we must practice the techniques of withdrawal. Never appear in the foreground; let our friends do the work. We must always remember that one sympathizer is generally worth more than a dozen militant Communists. A university professor, who without being a party member lends himself to the interests of the Soviet Union, is worth more than a hundred men with party cards. A writer of reputation, or a retired general, are worth more than 500 poor devils who don't know any better than to get themselves beaten up by the police. Every man has his value, his merit. The writer who, without being a party member, defends the Soviet Union, the union leader who is outside our ranks but defends Soviet international policy, is worth more than a thousand party members. * * *

Those who are not party members or marked as Communists enjoy greater freedom of action. This dissimulated activity which awakes no resistance is much more effective than a frontal attack by the Communists. Our friends must

¹ See International Communism (The Communist Mind), staff consultation with Frederick Charles Schwarz, May 20, 1957.

confuse the adversary for us, carry out our main directives, mobilize in favor of our campaign people who do not think as we do, and whom we could never reach. In this tactic we must use everyone who comes near us; and the number grows every day.

The current operation of the Communist apparatus in the United States can be traced directly to the epochal restatement of Soviet policy by Nikita Khrushchev at the 20th Congress of the Soviet Communist Party, at which time he promulgated a united-front program as a substitute for the Stalinist program that had alienated party members and potential converts throughout the world.

In "The Great Pretense," a symposium on the 20th Party Congress published by the Committee on Un-American Activities, a group of experts warned that—

the leaders of the Soviet Union have launched a new tactical maneuver which is fraught with dangers for the United States. As a result of the February 1956 meeting of the Communist Party of the Soviet Union, the forces of international communism have adopted new tactics to accomplish three objectives: (1) Appeasement of discontent within the Soviet sphere; (2) extension of neutralism abroad through a united front with socialism; (3) weaken and discredit anti-Communists within the United States.¹

2. As the formal party structure recedes from view, it is being replaced by a widespread underground apparatus, duplicating beneath the surface all of the mechanisms of Communist Party activities: printing and publication of Communist Party propaganda, formulation of Communist strategy, leadership of the Communist apparatus.

3. The Communist operation, above and below the surface, is part of a worldwide conspiracy backed by all of the material, financial, and educational resources of the 900 million people of the Soviet Empire. At the very time that the Communist Daily Worker suspends publication because of "lack of funds," the Kremlin is reaching 1,000 times the circulation of the Daily Worker through political propaganda which floods this country every day, as part of a multi-billion dollar operation exceeding by many times the cost entailed in the publication of the Daily Worker.

During the past year the House Committee on Un-American Activities was able to uncover new areas of Communist infiltration of industry and the arts. It brought to light Communist penetration of the communications systems of key Government agencies and the deluge of Communist propaganda through various pipelines to minority and nationality groups in the United States.

Acting on connective links supplied by United States counterspy Boris Morros, the committee found further ramifications of the Communist underground apparatus—including the penetration of Communists into the councils of the United States Congress itself.²

The story of Boris Morros has a significance far beyond the valuable and patriotic exploits through which he was able to unmask agents of the international Soviet apparatus. It demonstrates, with new

¹ A detailed analysis of this Communist Party operation can be found in *The Great Pretense*, A Symposium on Anti-Stalinism and the 20th Congress of the Soviet Communist Party, and in *Soviet Total War*, "Historic Mission" of Violence and Deceit, vols. I and II.

² See testimony of Wilfred Lumer appearing in *Investigation of Soviet Espionage*, released February 1958.

emphasis, the constant, secret warfare of the Communist empire against the United States and its free world allies. As Mr. Morros himself has stated in his consultations with the Committee on Un-American Activities, the people of the United States must be made conscious of the "great danger that looks us straight in the eye. It is much more dangerous, and much more serious, than any of us can even imagine." The danger is heightened by the fact that it lies hidden from our view and stems in many cases from persons who would not ordinarily be suspect as agents of the Kremlin. It is instructive that Morros himself, regarded by the Soviets as a key instrument of espionage in the West, had no affiliation with the Communist Party or any Communist fronts. This explains how anyone in such a capacity can swear under oath that he is not a Communist and never has been a Communist and yet can be an important part of the Soviet apparatus.

OMNIBUS SECURITY BILL

THE INTERNAL SECURITY AMENDMENTS ACT OF 1958 (H. R. 9937)

The work of the committee over the past years has revealed extensive inadequacies in anti-Communist legislation. During the last session of the Congress the chairman of the committee introduced a comprehensive omnibus security bill, H. R. 9532, to strengthen the hand of the Government in dealing with a wide range of Communist operations.

This omnibus security bill was refined and revised by a new bill, H. R. 9937, introduced by the Chairman on January 13, 1958. It is entitled "The Internal Security Amendments Act of 1958" and amends the Internal Security Act of 1950 by—

(1) Precluding abatement of proceedings before the Subversive Activities Control Board by reason of the dissolution, reorganization, or change of name of a respondent organization. The purpose of this amendment is to counter the Communist technique of changing the name or formal, technical structure of an organization in order to avoid the consequences of an adverse finding by the Subversive Activities Control Board.

(2) Making it a misdemeanor for any person to misbehave before congressional committees.

(3) Prohibiting Communist lawyers from practicing before executive departments and congressional committees.

(4) Redefining the term "organize" (as used in the Smith Act). The purpose of this amendment is to overcome the effect of the decision of the Supreme Court in the Yates case which construed the term "organize" to mean only the original formation of a group.

(5) Permitting the enforcement in State courts of State sedition statutes. The purpose of this amendment is to overcome the effect of the decision of the Supreme Court in the Nelson case nullifying State sedition statutes.

(6) Protecting the security of confidential Government files. During the 1st session of the 85th Congress, Public Law 85-269, was enacted in an attempt to overcome the effect of the decision of the Supreme Court in the Jenck's case and the Court of Appeals decision on the Subversive Activities Control Board's opinion in the case of the Communist Party. Public Law 85-269 is applicable only to criminal

cases, whereas the amendment in the omnibus security bill is applicable to any proceeding (i. e., income tax, claims cases) as well as criminal proceedings in which confidential Government files may be subject to disclosure. Under Public Law 85-269, moreover, the test of admissibility is relevancy, while under the omnibus security bill the test of admissibility in the first instance is whether or not the security of the United States would be jeopardized.

(7) Permitting, under safeguards, disclosure of certain intercepted security information.

(8) Prohibiting the unauthorized disclosure of certain defense information.

(9) Making it an offense to use a false name for the purpose of procuring employment in defense facilities.

(10) Extending the statute of limitations for certain seditious and subversive activities.

(11) Expanding the provisions of the Foreign Agents Registration Act by—

(a) Bringing within the coverage of the definition of "foreign principal" an organization which is "supervised, directed, controlled, or financed, in whole or in part, by any foreign government or foreign political party," regardless of whether the organization is supervised by a foreign government.

(b) Including within the registration requirements of the Foreign Agents Registration Act persons who have used the existing exemption for certain commercial activities to disseminate propaganda.

(c) Eliminating cumbersome criteria pertaining to the form of political propaganda subject to the provisions of the act.

(d) Establishing in the Bureau of Customs an office of a comptroller of foreign propaganda and fixing responsibility for the control of foreign political propaganda.

(12) Permitting immigration officers to be detailed for duty in foreign countries and empowering such officers to exercise certain functions with respect to issuance of visas.

(13) Permitting the detention and supervision of certain aliens under order of deportation.

(14) Requiring the Attorney General to report to the Congress certain waivers in the administration of the immigration laws.

(15) Canceling naturalization procured illegally, by concealment of a material fact or by willful misrepresentation.

(16) Revoking citizenship to one who becomes a part of the official apparatus of a Communist country without the consent of the United States Government.

(17) Strengthening passport security and travel control by—

(a) Prohibiting travel in violation of passport regulations even though there may be no technical state of war.

(b) Precluding the issuance of passports to persons concerning whom there is reasonable ground to believe that they are going abroad for the purpose of engaging in activities which will further the aims and objectives of the Communist Party, or other subversive groups.

(c) Authorizing the withholding of passports to persons whose activities abroad would violate the laws of the United States, be prejudicial to the orderly conduct of foreign relations or be prejudicial to the interests of the United States.

During the coming year it will be the purpose of the committee to call a number of witnesses who are known to have in their possession information and documentation relating to one or another of the sections of the proposed omnibus bill.

PUBLICATIONS

During the past year the committee made an important contribution toward clearer understanding of the nature of the Communist conspiracy through a series of publications. These included reports on Communist political subversion, the campaign to destroy the security programs of the United States Government; Operation Abolition, dealing with the current program to cripple the FBI, the Subversive Activities Control Board, and the House Committee on Un-American Activities; analysis of Communist activities in critical areas abroad, and biographies of Communist leaders in the Soviet Union, the satellite states, and the Free World.

The committee printed approximately 376,000 copies of its hearings and reports during 1957. Of the above number of publications, approximately 285,000 were distributed to the public. In many instances, the demands for the committee's publications far exceed the number of copies allotted under present printing regulations.

In order to comply with requests, it was necessary for the committee to have reprinted approximately 125,000 copies of its publications of previous years.

It is gratifying to note that students and faculty members of schools and colleges have requested information for use in classes being conducted on the Communist menace; and, according to their requests, a great many of the committee's publications are used for reference purposes in these studies.

Following is a complete list of committee hearings and reports for the 1st session of the 85th Congress:

HEARINGS AND CONSULTATIONS

- International Communist Propaganda Activities, January 30, 1957
- International Communism (Red China and the Far East)—Chiu-Yuan Hu—February 1, 1957
- Investigation of Communist Propaganda in the United States—
 - Part 4—New Orleans, La., Area, February 14, 1957
- Investigation of Communist Propaganda in the United States—
 - Part 5—New York City Area, March 12 and 13, 1957
- Investigation of Communist Propaganda in the United States—
 - Part 6—New York City Area, March 14 and 15, 1957
- Investigation of Communist Propaganda in the United States—
 - Part 7—Chicago, Ill., Area, March 26 and 27, 1957
- Investigation of Communist Propaganda in the United States—
 - Part 8—Buffalo, N. Y., October 1, 1957
- Investigation of Communist Activities in the New Orleans, La., Area, February 15, 1957
- Investigation of Communist Activities in the New Haven, Conn., Area—Part 3—February 26 and 27, 1957
- Investigation of Communism in the Metropolitan Music School, Inc., and Related Fields—Part 1—April 9 and 10, 1957

- Investigation of Communism in the Metropolitan Music School, Inc., and Related Fields—Part 2—February 7 and 8; April 11 and 12, 1957
- Investigation of Communist Activities in the Baltimore, Md., Area—Part 1—May 7 and 8, 1957
- Investigation of Communist Activities in the Baltimore, Md., Area—Part 2—May 9, 1957
- Hearings Held in San Francisco, Calif.—Part 1—June 18 and 19, 1957
- Hearings Held in San Francisco, Calif.—Part 2—June 20 and 21, 1957
- Investigation of the Unauthorized Use of United States Passports—Part 5—July 26, 1957
- Investigation of Communist Activities in the Newark, N. J., Area (supplemental) July 24, 1957
- Investigation of Communist Penetration of Communications Facilities—Part 1—July 17, 18, 19; August 2 and 9, 1957
- Investigation of Communist Penetration of Communications Facilities—Part 2—October 9, 1957
- Investigation of Communist Activities in the Buffalo, N. Y., Area—Part 1—October 2, 1957
- Investigation of Communist Activities in the Buffalo, N. Y., Area—Part 2—October 3 and 4, 1957
- International Communism (Revolt in the Satellites)—1956 ¹—Dr. Jan Karski, Mihail Farcasanu, Joseph Lipski, Monsignor Bela Varga, Bela Fabian, Stevan Barankovics, Stanislaw Mikolajczyk, Ferenc Nagy—October 29, 30; November 1, 17, 20, 1956
- International Communism (Revolt in the Satellites)—1957—Janos Horvath & Sandor Kiss—March 20, 1957
- International Communism (Communist Control of Estonia)—August Rei—May 10, 1957
- International Communism (The Communist Mind)—Frederick Charles Schwarz—May 29, 1957
- International Communism (Communist Penetration of Malaya and Singapore)—Kuo-Shuen Chang—May 29, 1957
- International Communism (The Communist Trade Offensive)—Joseph Anthony Marcus, Christopher Emmet, Nicolas de Rochefort—June 26, 1957
- International Communism (The Present Posture of the Free World)—Constantine Brown—October 21, 1957
- International Communism (Espionage) (Excerpts of Consultation With Counterspy Boris Morros)—August 16, 1957
- The Ideological Fallacies of Communism—Rabbi S. Andhil Fineberg, Bishop Fulton J. Sheen, Dr. Daniel A. Poling—September 4, 25; October 18, 1957

REPORTS

- Report on Communist Political Subversion—(The Campaign To Destroy the Security Programs of the United States Government)—House Report 1182—August 16, 1957
- “Operation Abolition” (The Campaign Against the House Committee on Un-American Activities, The Federal Bureau of Investigation, The Government Security Program by the Emergency Civil Liberties Committee and Its Affiliates)—November 8, 1957

¹ This consultation held in 1956; not printed until 1957.

Who Are They?—Khrushchev and Bulganin (U. S. S. R.)—Part 1—July 12, 1957
 Who Are They?—Mao Tse-tung and Chou En-lai (Communist China)—Part 2—August 23, 1957
 Who Are They?—Georgi Zhukov and Ivan Konev (U. S. S. R.)—Part 3—August 30, 1957
 Who Are They?—Walter Ulbricht and Janos Kadar (East Germany and Hungary)—Part 4—September 1957
 Who Are They?—Josip Broz Tito and Wladyslaw Gomulka (Yugoslavia and Poland)—Part 5—October 11, 1957
 Who Are They?—Kim Il Sung and Ho Chi Minh (North Korea and North Viet-Nam)—Part 6—October 25, 1957
 Who Are They?—Maurice Thorez and Palmiro Togliatti (France and Italy)—Part 7—November 22, 1957
 Annual Report for the Year 1957

REFERENCE SERVICE

Based upon extensive hearings, reports, and an ever-expanding collection of source material, a specialized reference service is maintained by the Committee for Members of the Congress, executive agencies of the Government, and the committee's staff.

In 1957, there were 1,105 requests from Members of the Congress for information on 3,562 individuals and on 721 organizations, periodicals, and general subjects.

In addition there were 1,104 staff requests for information on 6,178 individuals, and on 665 organizations, periodicals, and general subjects. All of these were answered with written reports.

CONTEMPT PROCEEDINGS

The House of Representatives, in 1957, voted contempt citations against Louis Earl Hartman, Frank Grumman, and Bernard Silber, who, as witnesses before the Committee on Un-American Activities, refused to answer pertinent questions. These citations have been certified to the proper United States district courts for prosecutive action. All three citations occurred subsequent to the decision in the *Watkins* case.

The decision in the case of *Watkins v. United States* (354 U. S. 178) was handed down by the Supreme Court of the United States on June 17, 1957. Prior to this decision, it was well recognized that a witness before a congressional committee must decide the question of pertinency at his peril. The *Watkins* decision adds the new concept that "fundamental fairness" requires that the subject of the inquiry and the pertinency of the questions be "undisputably clear" to a witness compelled to decide at his peril whether to answer committee questions. This new concept is couched in the following language:

Unless the subject matter has been made to appear with undisputed clarity, it is the duty of the investigative body, upon objection of the witness on grounds of pertinency, to state for the record the subject under inquiry at that time and the manner in which the propounded questions are pertinent thereto. To be meaningful, the explanation must describe

what the topic under inquiry is, and the connective reasoning whereby the precise questions asked relate to it.

The Court pointed out that there are several sources that can outline the "question under inquiry" in such a way that the rules against vagueness are satisfied. It was asserted that—

The authorizing resolution, the remarks of the chairman or members of the committee, or even the nature of the proceedings themselves might sometimes make the topic clear.

On the 18th of June, 1957, the day following the decision in the *Watkins* case, committee hearings were begun in San Francisco. Of the witnesses appearing, 29, in reliance upon the decision in the *Watkins* case, objected to questions on the grounds of pertinency. The attention of each witness was called to the detailed statement made by the chairman at the opening of the hearing regarding the subject and purpose of the inquiry and the fact that the questions for the most part were pertinent on their face. In addition, full explanation was made by counsel for the committee of the subject under inquiry and the connective reasoning whereby the precise questions asked related to the subject. All but one of the witnesses abandoned sole reliance upon the decision in the *Watkins* case and assigned as a further ground for refusal to answer, privilege under the self-incrimination clause of the fifth amendment to the Constitution.

LOUIS EARL HARTMAN

The one exception to the use of the fifth amendment was the witness *Louis Earl Hartman*. Hartman, at the time he was subpoenaed before the committee, was engaged as a radio broadcaster in Berkeley, Calif. Among other things, he was asked to advise the committee of the present propaganda activities of a professional cell of the Communist Party in Berkeley, and his own membership in that cell. Hartman was cited for contempt by the House of Representatives for his refusal to answer pertinent questions, and the case was referred to the United States attorney in San Francisco for prosecutive action.

FRANK GRUMMAN AND BERNARD SILBER

An investigation of Communist penetration of communications facilities was instituted by the committee in the summer of 1957. *Frank Grumman*, then employed as a radio operator by RCA Communications, Inc., but temporarily on leave of absence, as secretary-treasurer of Local 10 of the American Communications Association, was subpoenaed to appear as a witness on July 17, 1957; and *Bernard Silber*, service writer for Western Union Telegraph Co., was subpoenaed as a witness on August 2, 1957. Both witnesses, in the performance of their duties, had access to Government security coded messages. In reliance upon the *Watkins* and *Sweezy* cases, and not upon the self-incrimination clause of the fifth amendment, the witnesses refused to answer pertinent questions relating to the subject under inquiry, for which they were cited for contempt by the House of Representatives, and certifications of the citations were transmitted to the United States attorney for the District of Columbia for prosecutive action.

MARCUS SINGER

The conviction of *Marcus Singer*, a witness before this committee on May 26, 1953, was reversed by an order of the United States Court of Appeals for the District of Columbia. Although the order of dismissal was entered on June 28, 1957, it was not disclosed publicly until July 10, 1957. The order was summarily entered and was not accompanied by an opinion. This action was based on the holding of the Supreme Court in the *Watkins* case.

LLOYD BARENBLATT

On January 16, 1958, the United States Court of Appeals for the District of Columbia, by a divided opinion,¹ upheld for the second time the conviction of *Lloyd Barenblatt*, who had been cited for contempt arising from his appearance before the committee on June 28, 1954. The case had been remanded to the Court of Appeals by the United States Supreme Court which, on June 24, 1957, had vacated Barenblatt's conviction in the light of its decision in the *Watkins* case.

The appellant relied mainly on two points in the Court of Appeals: first, that the opinion of the Supreme Court in the *Watkins* case struck down the resolution creating the standing Committee on Un-American Activities; and second, assuming that was not the case, that part of the opinion in the *Watkins* case relating to pertinency required a dismissal. In holding against the appellant's contention on the first issue, the Court, in its majority opinion, demonstrated that the Supreme Court, by its *Watkins* decision, did not strike down the committee resolution. As to the second issue, the Court described the length to which the committee went in indicating to the appellant the pertinency of the questions, even though the question of pertinency was not raised by him, and concluded, under the standards laid down by the Supreme Court, that Barenblatt was made fully aware of the subject under inquiry, and was in a position to judge the pertinency of the questions.

The decision reached in this case was given after careful consideration of the Supreme Court's decisions in the *Watkins* and *Sweezy* cases.

ARTHUR MILLER

Arthur Miller, a playwright, was convicted of contempt of Congress prior to the decision in the *Watkins* case, for refusing to answer material questions before the Committee on Un-American Activities. After the decision was handed down by the Supreme Court in the *Watkins* case, a motion was made to acquit notwithstanding the finding of guilty by the court. This motion was granted as to a count in the indictment involving a question as to which Miller had raised the point of pertinency at the time of questioning. The motion was denied as to the remaining count and from this action of the court, Miller appealed. A motion for summary reversal based on the court's action in the *Singer* case was then made in the United States Court of Appeals for the District of Columbia. On January 23, 1958, the appellate court denied this motion for summary reversal and Miller is now required to prosecute his appeal in the normal way.

¹ The majority opinion of the United States Court of Appeals for the District of Columbia in the case of *Barenblatt v. United States*, is set forth in full as an appendix, see p. 65.

OTTO NATHAN

Otto Nathan, a naturalized citizen of the United States, was questioned by the committee on the 12th day of June 1956, in the course of a hearing relating to passports. He was convicted under the contempt statute for having refused to answer pertinent questions. After the decision in the *Watkins* case, a motion was made by *Nathan* to acquit notwithstanding the previous finding of guilty by the court. In view of the objection on the grounds of pertinency made by *Nathan* during the committee hearing, the court, in applying the decision in the *Watkins* case, granted the motion.

HORACE CHANDLER DAVIS

Horace Chandler Davis, a member of the faculty of the University of Michigan, was tried in 1956 under an indictment charging him with contempt of Congress by reason of his refusal to answer certain questions propounded by the Committee on Un-American Activities. On June 25, 1957, the court found *Davis* guilty and imposed a sentence of 6 months in prison and a fine of \$250. In a written opinion, the court held that the *Watkins* decision was not applicable or controlling as to the issues before the court. An appeal was taken by the defendant.

BOLZA BAXTER

Bolza Baxter, a witness before this committee on the 5th day of May 1954, in Detroit, Mich., was cited for contempt as a result of his refusal to answer certain pertinent questions. After the decision in the *Watkins* case, a motion for acquittal was made in which it was contended that *Baxter* raised the issue of pertinency at the committee hearing. The motion was granted, the court basing its decision on the *Watkins* case.

ANNE YASGUR KLING

Anne Yasgur Kling, an employee in the State Headquarters of the Communist Party for the State of Missouri, and the acting head of that office in the absence of the State organizer for the Communist Party, was a witness before the committee at its hearing in St. Louis on June 6, 1956. She was indicted under the contempt statute for refusal to answer pertinent questions propounded by the committee. The court dismissed the indictment by an order entered on the 15th day of October 1957, basing its decision upon the *Watkins* case. Notice of appeal was given in behalf of the Government.

SECTION II

COMMUNIST POLITICAL SUBVERSION

A nationwide campaign of political subversion, directed by the Communist Party and aided by numerous affiliate organizations, has spread throughout the United States during the past year as part of what may emerge as the most successful technique thus far devised by the Soviet apparatus in the United States.

The Kremlin has succeeded in enlisting, at a conservative estimate, more than a million Americans into this campaign. Their participation has ranged from membership in the farflung network of Communist-front organizations to the signing of Communist-sponsored petitions, and has included substantial financial contributions. It is fair to say that many of these people would be aghast if they understood the full import of their activities and the extent to which they benefit the Communist conspiracy.

The clear objective of this campaign is the destruction of the entire security system of the United States. More immediately, it seeks to cripple the antisubversive programs of the executive department and the Congress, to shackle or abolish the Committee on Un-American Activities, and to discredit the FBI and its director, J. Edgar Hoover.

The essence of the Communist campaign is a perversion of our democratic processes of government by the surreptitious stimulation of "grass roots" pressure against anti-Communist governmental action, and for pro-Communist legislative objectives.

These facts were established by the Committee on Un-American Activities by extensive investigations and hearings held in principal cities throughout the United States.¹ The committee identified more than 200 organizations charged with carrying on the Communist program. Chief among these was the American Committee for Protection of Foreign Born and its various affiliates. The testimony of scores of witnesses who appeared before the committee, and the evidence contained in thousands of documents obtained by the committee, confirm these conclusions:

1. Political subversion has become a paramount instrument of the Communist Party's program for conquest of the United States.

2. The Communist Party, through the American Committee for Protection of Foreign Born and the affiliate organizations of the American Committee for Protection of Foreign Born, has mobilized all of its resources to render ineffective the Immigration and Nationality Act and other legislation bearing upon the security of the United States.

3. By disguising its real purposes in fraudulently humane language, the Communist Party, through its affiliate organizations, succeeded

¹ See Communist Political Subversion—hearings and appendix, November and December 1956 (pts. 1 and 2), and H. Rept. No. 1182, August 16, 1957, The Campaign to Destroy the Security Programs of the United States Government.

in duping a great number of well-intentioned citizens into collaborating with the Communist Party in ignorance of its real objective.

4. Although various non-Communist organizations have advocated amendments to the Immigration and Nationality Act and other legislation concerning the security of the United States, the overwhelming mass of testimony and exhibits obtained by the Committee on Un-American Activities demonstrates that the spearhead of the overall drive for mutilation of this legislation is the Communist Party and its affiliates.

5. The Communist Party, through its camouflaged instruments of transmission, has subjected the platform committees of both major parties, State legislatures, and the Congress to letters, petitions, and personal appeals designed to fabricate the impression that a broad, popular sentiment exists for debilitating the Nation's immigration and security systems.

6. Many of the proposals made in the United States Congress for major changes in the Immigration and Nationality Act and other security measures coincide with the expressed objectives of the Communist Party.

EMERGENCY CIVIL LIBERTIES COMMITTEE

Dovetailing with this program of political subversion is the nationwide campaign of the Emergency Civil Liberties Committee, which scheduled more than two dozen meetings in key cities across the country to stimulate a barrage of letters and petitions to Members of the Congress and public officials calling for support of the Emergency Civil Liberties Committee's program. This, if successful, could undermine the security programs of the Government and weaken the Government security agencies.

The Emergency Civil Liberties Committee's campaign was inaugurated at a rally in New York City in Carnegie Hall on September 20, 1957. The speakers included Harvey O'Connor; Louis L. Redding, an attorney; Dalton Trumbo, one of the notorious Hollywood Ten; Prof. Hugh H. Wilson of Princeton University; and Frank Wilkinson of Los Angeles.

Harvey O'Connor, who has been identified in sworn public testimony as a member of the Communist Party, declared that the meeting "is historical because it opens the abolition campaign against the House Committee on Un-American Activities."

Dalton Trumbo, who also has been identified in sworn public testimony as a member of the Communist Party, and who was convicted and sentenced for contempt of Congress for his refusal to answer questions before the Committee on Un-American Activities, vilified the committee, J. Edgar Hoover, the Federal Bureau of Investigation, and derided a group of Hungarian patriots who were picketing the rally.

The objectives of the Emergency Civil Liberties Committee emerged clearly from the Carnegie Hall program. They may be summarized as—

1. Destruction of the House Committee on Un-American Activities;
2. Extinction of the investigative powers of the Congress in the field of subversive activities;

3. Restriction of important functions of the Federal Bureau of Investigation in the investigation of subversive activities; and
4. Creation of a general climate of opinion against the exposure and punishment of subversion.

The Emergency Civil Liberties Committee was originally established in 1951, and attempted to represent itself as a bona fide non-Communist organization. In a letter of December 14, 1951, soliciting support for the new organization, Clark Foreman, now director of the organization, declared, "The new group, in case you haven't heard of it, is to be limited to a couple of hundred non-CP's, with an executive committee of about nine and a director." The truth of the statement can be best gaged by referral to the records of the key individuals in the organization.¹

The officers² of the Emergency Civil Liberties Committee are Harvey O'Connor, chairman; Corliss Lamont, vice chairman; Andrew D. Weinberger, treasurer; Elinor Ferry Kirstein, secretary; Clark Foreman, director; and Leonard B. Boudin, general counsel.

Clark Foreman, the director of the Emergency Civil Liberties Committee, has for the past decade been a leader in a number of pro-Communist organizations. His positions have included that of founder and president of the Southern Conference for Human Welfare; director of the National Council of the Arts, Sciences, and Professions; vice chairman of the Washington Committee To Win the Peace; and vice president of the Progressive Citizens of America.

Harvey O'Connor was identified as a member of the Communist Party by Benjamin Gitlow, the Communist Party's former secretary general, in sworn testimony before the Committee on Un-American Activities on September 11 and October 17, 1939. In addition, O'Connor has had the following connections with Communist enterprises: Contributor, March of Labor; instructor, Abraham Lincoln School; speaker, All-American Anti-Imperialist League; delegate, League of American Writers; member, American Congress for Peace and Democracy; member, national committee, American League for Peace and Democracy; contributor, Fight Magazine; member, National Council, American Peace Mobilization; chairman, Chicago Peace Federation; delegate, Emergency Peace Mobilization; sponsor, China Aid Council; sponsor, National Federation for Constitutional Liberties; member, Citizens Committee to Free Earl Browder; speaker, Friends of the Soviet Union; sponsor, Citizens Victory Committee for Harry Bridges; signer of open letter for closer cooperation with the Soviet Union, Soviet Russia Today; endorser, National Council of American-Soviet Friendship; member, speakers bureau, Chicago Council of American-Soviet Friendship; signer of call for a writers congress, League of American Writers; sponsor, Joint Anti-Fascist Refugee Committee; sponsor, League for Mutual Aid; member, International Labor Defense; author, International Publishers; contributor, New Masses.

Leonard B. Boudin has been: Signer of statement to President Roosevelt defending the Communist Party; signer of statement on labor legislation, Federated Press; member of the National Lawyers Guild; guest speaker at a meeting of the Philadelphia Committee for Protection of Foreign Born, American Committee for Protection of Foreign Born.

¹ See Operation Abolition—The Campaign Against the House Committee on Un-American Activities, The Federal Bureau of Investigation, The Government Security Program, issued November 8, 1957.

² Letterhead dated February 11, 1957.

Corliss Lamont has been one of the foremost apologists for the Soviet Union in the United States. His background includes the following activities on behalf of the Communist conspiracy in America: Signer of statement in defense of the 12 leaders of the Communist Party, 11 of whom were convicted October 15, 1949, of conspiracy to teach and advocate the violent overthrow of the United States Government, *Daily Worker*, February 28, 1949; sponsor of the Mother Bloor banquet; signer of statement of American Progressives on the Moscow purge trials; celebration of the 27th anniversary of the Soviet Union; contributor of numerous articles to *Soviet Russia Today*; signer of open letter for closer cooperation with the Soviet Union; signer of open letter in defense of Harry Bridges; member of the League of American Writers; member of the editorial board of the *Book Union*; author, *Workers Library Publishers*; author, *International Publishers*; author, *New Century Publishers*; contributor of articles in *New Masses*; member of the *Friends of the Soviet Union*; member of the *American Friends of Spanish Democracy*; chairman of rally given by *American Council on Soviet Relations*; member, executive committee of *American League Against War and Fascism*; member of the *Student Congress Against War*; sponsor of dinner, *American Committee To Save Refugees*; signer of letter, *National Federation for Constitutional Liberties*; director of the *People's Radio Foundation*; member, sponsoring committee of the *National Council of American-Soviet Friendship*; chairman of the *Congress of American-Soviet Friendship*; speaker, *American Russian Institute*; member, sponsoring committee, *Joint Anti-Fascist Refugee Committee*; sponsor, *Cultural and Scientific Conference for World Peace*; signer of statement issued by *American Committee for Protection of Foreign Born*; nominated for *United States Senator*, *American Labor Party*.

CITIZENS COMMITTEE TO PRESERVE AMERICAN FREEDOMS

The major adjunct of the Emergency Civil Liberties Committee in the California area is an organization designating itself as the *Citizens Committee To Preserve American Freedoms*. Its headquarters are in Los Angeles. Chairman of the organization is Rev. Aaron Alan Heist. Executive secretary and coordinator of the Abolition Campaign is Frank Wilkinson.

The Reverend Heist was a signer of the statement to the President of the United States defending the Communist Party, *Daily Worker*, March 5, 1941; speaker, *Trade Union Committee for the Repeal of the Smith Act*, *Daily People's World*, February 14, 1952; sponsor of banquet in honor of defense attorneys in Smith Act trial of current defendants, *Daily People's World*, May 21, 1952.

Frank Wilkinson was identified as a member of the Communist Party by Anita Schneider, former undercover agent for the Federal Bureau of Investigation, in an appearance before the Committee on Un-American Activities on December 7, 1956. Wilkinson appeared before the subcommittee on the same day, and when confronted with the sworn testimony identifying him as a Communist refused to answer any questions pertaining to Communist activity.

Wilkinson originally became a subject of investigation on October 3, 1952, when the City Council of the city of Los Angeles asked that Wilkinson be called before the Committee on Un-American Activities

because he had invoked the fifth amendment in a superior court hearing in Los Angeles. At the time Wilkinson was director of public information for the Los Angeles Housing Authority. The West Coast Communist newspaper (the Daily People's World) reflected on October 30, 1952, that Wilkinson had been fired from his post as information director, Los Angeles Housing Authority, because he had refused to answer questions pertaining to the Communist Party before the State senate committee investigating the city housing authority in Los Angeles. In addition to his identification as a member of the Communist Party, Wilkinson has been associated with the Los Angeles Committee for Protection of Foreign Born and the Civil Rights Congress.¹

WIDESPREAD ACHIEVEMENTS

The confederate organizations of the Communist Party, by concealing their true aims, their origin, and the allegiance of their leadership, have been able to achieve considerable success. They have raised millions of dollars to finance the Kremlin's apparatus in the United States. They have been able to persuade great numbers of people that the campaign against the immigration and security programs is not a Communist program at all; and they have been able to create a climate of opinion in which attacks upon our immigration and security systems are made to seem an enlightened course of action. Within this climate, the ideas implanted by the Communist Party and its confederate organizations have been able to come to full flower. Pretending to champion the traditional concepts of decency and fair play, the Kremlin's conspirators in the United States have been able to entice and convert a host of well-wishers to whom communism itself, uncamouflaged, would be abhorrent.

The leadership of the conspiracy has been quick to recognize this accomplishment. At the National Conference to Defend the Rights of Foreign Born Americans in New York, December 11 and 12, 1954, Abner Green, executive secretary of the American Committee for Protection of Foreign Born and a leading Communist agent, exulted that—

* * * we gather to consider the defense of the rights of foreign-born Americans in an atmosphere that offers excellent opportunities to rally and stimulate to action new and ever more important forces in the fight to repeal the Walter-McCarran law. We gather in an atmosphere that provides unprecedented possibilities to win many more allies, and stimulate parallel movements, in the fight to preserve the civil and human rights of 14 million foreign-born Americans.

The operations of the Communist Party conducted by the American Committee for Protection of Foreign Born have reached an amazing magnitude. The Committee on Un-American Activities found that the party has succeeded in establishing over 200 organizations to execute its campaign of political subversion. The committee found further that while these various organizations claimed to be independent and autonomous, they are in fact controlled in every instance

¹ Cited as subversive by the Attorney General of the United States and the House Committee on Un-American Activities.

by the Communist Party through its agents who occupy positions of leadership in the affiliated groups.

In the course of its investigation into the Communist political subversion campaign, the Committee on Un-American Activities called before it a number of officers and sponsors of the American Committee for Protection of Foreign Born and its various local affiliates. The former were ordered to produce records of the organizations for the committee's examination.

The Committee on Un-American Activities was particularly struck with the fact that although these persons had spoken at great length outside the hearing room about the program of their organizations, all refused to provide any information when under oath.

When questioned about the origins and objectives of the American Committee for Protection of Foreign Born and affiliate groups—in particular about their relationship with the Communist Party—they declined to answer because of possible self-incrimination; and they sought to withhold from the committee all documents and records bearing upon Communist control and direction of their organizations.

WARNING BY ARCHIBALD ROOSEVELT

One of the witnesses before the Committee on Un-American Activities was Archibald Roosevelt, son of former President Theodore Roosevelt. The committee was keenly interested in the testimony of Mr. Roosevelt, because of the knowledge which he has gained from long study of the Communist conspiracy in the United States. Mr. Roosevelt summarized the reasons for the current Communist program against the Immigration and Nationality Act:

* * * Firstly, they need an assurance that their foreign-born operators (the "regulars" of their invading political army) in this country will not be deported or denaturalized. This will insure the maintenance of those forces which the Red strategists have filtered in through our weak immigration barriers throughout the years.

The second requirement for the conquest of America is to make certain that the security checks against immigrants are weak and ineffective and that there must exist loopholes through which swarms of Red agents can enter this country to swell the size of the subversive forces. Such a growing army of Kremlin forces in this country accompanied by swarms of well-meaning, but ignorant, native-born dupes would inevitably result in the seizure of power from the hands of a careless and unconcerned American people * * * (p. 6145).¹

"Most people," Mr. Roosevelt warned, "don't realize that the Kremlin has already invaded America." He continued:

The reason that most Americans are not conscious of this invasion is due to the fact that it has been going on gradually for 39 years. The Soviet leaders have moved entire divisions of their political army into our country unnoticed by all except a few security-minded citizens. These Red forces are a political army which is civilian in appearance and walk

¹ See Communist Political Subversion, Part 1—Hearings before the Committee on Un-American Activities in Washington, D. C., Nov. 12, 1956.

the streets of America indistinguishable from the rest of the population. Their weapons of war consist of infiltration into government, education, finance, and communications by subversion, disruption, poisonous propaganda, and espionage. They are largely an invisible enemy acting behind fronts and, therefore, difficult to pinpoint. Operating as a disciplined and dedicated force, they insinuate themselves into various sensitive and key areas of our society (p. 6144).¹

Testifying before a Senate committee in 1949, Louis Budenz, a former leader of the American Communist Party, amplified this explanation of why the Kremlin seeks to maintain a constant flow of aliens into the United States.

The Communist Party, he declared—

is shot through in its various organizational subdivisions, throughout the country, with alien personnel. These political tourists * * * have been ordered here by Moscow in order to steel the party here for complete service to the Soviet dictatorship.

He continued:

This, then, is a general world pattern pursued by the Kremlin: That the direct responsibility shall be in the hands of aliens in any respective country in which operations are carried on. It is the fixed design of Moscow to employ aliens in the most responsible positions in every country. This assures that nostalgia and patriotism may be reduced to the minimum in the steeled ranks of Stalin's servants. The native Communist leader therefore, is always under the control of a superior who is an alien, or an ex-alien, the latter having received his citizenship merely in order to serve the Kremlin more effectively.

* * * the percentage of aliens increases and the power of aliens rises as we get nearer to the roots. That is, nearer to the contact with Moscow, nearer to the place from which policy issues. The Communist Party leadership functions on directives received from Moscow. These directives are channelized to the party leadership by the Communist international representative and the apparatus around him. Until recently, this representative was Gerhart Eisler, alias Edwards, alias Hans Berger. With him was associated J. V. Peters, who was responsible for the espionage of the Communist International, in cooperation with the Soviet secret police in this country.

How do I know that? Because Mr. Peters told that to me himself when, after he had directed many questions to me which indicated that he had a background knowledge of things, I asked him was I privileged to know why he directed these inquiries at me.

"Yes; you have justified that confidence," he said. He told me that he was the liaison officer or link between the

¹ See Communist Political Subversion, Part 1—Hearings before the Committee on Un-American Activities in Washington, D. C., Nov. 12, 1956.

Communist International apparatus and the Soviet secret police in this country.

Budenz emphasized that the influx of Communists into the United States is not a fortuitous condition but a process initiated by the Kremlin as an integral part of its conspiratorial operation here.

"There is a complete and extensive apparatus existing in this country for the purpose of directing native Communists through alien personnel," Budenz declared—

This apparatus begins with the connection of the political committee of the Communist Party with Moscow through the alien agents of the Communist International. It then proceeds to branch out into many ramifications, with its driving force in the political tourists sent in here to function in various departments of American life. If you cut that lifeline between here and Moscow, you will have thrown the Communist Party off base, because people like Earl Browder were never anything but front men. The real men who made the decisions and who carried out the orders were aliens sent to this country by Moscow. That even was carried to a point where in the party organizations and the party press you had aliens controlling it.

SECTION III

COMMUNISM IN LOCAL AREAS

Hearings by the Committee on Un-American Activities in key cities of the United States in 1957 established that the Communist Party apparatus, despite setbacks to its finances and nominal membership, nevertheless has been able to further its infiltration of vital industries.

Indeed, the committee found that the degree of success which the Communist Party achieves has no direct relationship to the size of the party itself. Hard core, zealous participants in the Kremlin's conspiracy are able to maintain a threat to the internal security of the United States equal, if not greater, in every way to that which the party represented at the height of its popularity. Covert, concealed, hidden from the public view, the operations of the Communist organizations are far more difficult to detect and therefore have the opportunity of sinking deeper roots into the life of the Nation.

The committee hearings highlighted the growing use of the Communist techniques of colonization of industry by small cadres of highly trained, disciplined party members.

Through concealment of educational and employment backgrounds, the colonizers seek unskilled jobs. Some with master's degrees have concealed this fact in order to be classified on a factory payroll in menial jobs. As employees, they can then carry out the assignments of the Communist Party, which include penetration of the union; indoctrination of the union membership and fellow employees; recruitment of these persons either into membership in the party or its fronts; promotion of friction between management and other employees where it serves the interest of the party; and supplying industrial information or committing espionage.

NEW ORLEANS, LA.

In New Orleans on February 15, 1957, there appeared before the committee a seaman, Arthur Eugene, Jr., who testified extensively about Communist efforts to control the vital New Orleans seaport by infiltration and domination of waterfront and maritime unions. Eugene was a member of the Communist Party from 1948 to 1956 and during part of this time served as an undercover agent for the Federal Bureau of Investigation.

Eugene told the committee that he had been instructed by the Communist Party to join the National Union of Marine Cooks and Stewards, which the party already controlled. Eugene said that he met with the Seamen's Branch of the Communist Party while a member of the Marine Cooks and Stewards Union.

In 1949, he told the committee, the party issued directions on methods of circumventing the non-Communist affidavit requirement of the Taft-Hartley labor law. Communist union officials, he said, were to comply with the Taft-Hartley law and were simply to lie about the fact that they were members of the Communist Party. At

the same time they were ordered not to take part in open Communist Party activities so that the fact of their Communist Party affiliations would not be apparent.

These instructions were given to Eugene at a meeting of the Seamen's Branch, which was also attended by Andrew Steve Nelson, now deceased, who was president of Local No. 207 of the ILWU, and Lee Brown, then vice president of Local No. 207. Brown appeared before the committee and refused to answer questions relating to Communist Party membership and activities.

Late in 1949, after a strike of the National Marine Cooks and Stewards, Eugene was transferred to San Francisco, where he was assigned to the Seamen's Branch of the party and ultimately was assigned as a security aid to Harry Bridges, president of the International Longshoremen's and Warehousemen's Union. Later, Eugene said, he shipped out on the Matson luxury liner *Lurline* and served as educational director of the Communist Party cell aboard.

While in San Francisco, Eugene attended the California Labor School, which, he said, functioned as an educational adjunct of the Communist Party. Ninety percent of the men who attended the school, he testified, were from the ILWU and the rest were from other unions.

Despite Coast Guard measures for banning Communists from American ships, Mr. Eugene said, Communists, in New Orleans at least, continued to have free access to them. Mr. Eugene himself was "screened out" by the Coast Guard in Providence, R. I. In 1951 he returned to New Orleans.

Communist Party meetings, he said, were held at the International Longshoremen's hall and much of the Communist propaganda in the area originated at the ILWU hall, where the party used the union's printing equipment and mimeograph and addressograph machines. This equipment, he said, was "open to the Communist Party at all times" and was also used by Communist Party front organizations, such as the Civil Rights Congress.

Another witness before the committee in its hearing on February 15 was a prominent New Orleans physician, Dr. William Sorum, who was a member of the Communist Party from 1945 until 1952. Shortly after joining the party he was assigned to work with the New Orleans Youth Council, a civic organization, which the party was attempting to infiltrate. He was chairman of the Youth Council for about a year. One of his responsibilities was the instruction of new members of the organization in Communist doctrine. At the same time, Dr. Sorum was a member of the Southern Conference for Human Welfare which he had been ordered to join by the Communist Party. Dr. Sorum said the Southern Conference was "controlled by the Communists." Most of the membership was not Communist, he stated, but Communists occupied the top leadership positions. Dr. Sorum provided one illuminating sidelight on the extent to which the party attempts to regulate every aspect of its members' lives. Dr. Sorum was planning to specialize in psychiatry but the party opposed this. Instead, John Gates, the functionary with whom Dr. Sorum discussed the matter, recommended that Dr. Sorum undertake an itinerant rural practice in the course of which Dr. Sorum and a party organizer who was to accompany him could undertake recruiting in the impoverished communities which they visited.

During the last period of his Communist Party membership, Dr. Sorum was assigned to a professional branch in New Orleans. Other members of this group, he told the committee, were Dr. Robert Hodes, and his wife, Jane Hodes; and Dr. William Obrinsky and his wife, Dr. Jane Allen Obrinsky. Dr. Sorum told the committee that during his period of membership he was able to recruit a number of students into the party as a result of the "direct" and the "indirect" influence which he was able to exercise in his classes.

NEW HAVEN, CONN.

In New Haven, Conn., on February 26 and 27, 1957, the committee called before it a number of persons regarding involvement in Communist infiltration of labor unions and civic groups. These persons were:

Mattie Sykes, Verne Weed, Harold L. Rogers, Elsie Willcox, Samuel Richter, Louise Zito, Stanley Michalowski, and Ladislaus Joseph Michalowski.

All of these witnesses, except Harold Rogers, refused to answer any questions concerning Communist Party membership or Communist Party activities. Rogers denied that he had ever been a member of the Communist Party or that he had ever attended closed meetings of the Communist Party.

Mattie Sykes, a member of the United Electrical Workers¹ from 1943 to 1950, relied upon the fifth amendment and refused to answer numerous questions relating to Communist Party activities within that period. She also refused to discuss Communist Party decisions made on a national level and allegedly transmitted to the rank-and-file members for their guidance in union activities at the Bridgeport plant of General Electric Co. She denied Communist Party membership on and after February 13, 1957, but refused to answer all questions relating to prior membership in the Communist Party and the making of substantial donations to it.

Verne Weed, assistant executive director with the Children's Services of Connecticut, 1940-56, was responsible for the foster home and adoption part of the agency services. In this capacity, she made the decision as to what homes should receive the children and what was the best plan for the child. Miss Weed invoked the fifth amendment when queried about Communist Party activities while employed by the Children's Services of Connecticut. She also invoked the fifth amendment when asked as to present Communist Party membership and activities.

Under the protection of the fifth amendment, Elsie Willcox, executive secretary of the Connecticut Peace Council, refused to testify about its organization, chapters, and activities. Mrs. Willcox also refused to say whether certain individuals, identified as members of the Communist Party, were the heads of various chapters of the Connecticut Peace Council. She also refused to answer questions relating to the attendance of Henry and Anita Willcox at the Asian-Pacific Conference of the World Peace Council at Peking, China, and their participation in the activities of the Connecticut Peace Council on their return to the United States. Mrs. Willcox refused to answer questions regarding her present or past membership in the Communist Party on the ground that to do so might tend to incriminate her.

¹ This refers to United Electrical, Radio, and Machine Workers of America.

Considerable testimony was taken at the hearing regarding the Connecticut Volunteers for Civil Rights. Application for Post Office Box No. 347, New Haven, Conn., was introduced in evidence showing that Bert MacLeech, previously identified as a member of the Communist Party, was chairman of the Connecticut Volunteers for Civil Rights. The testimony disclosed that this post-office box was used in connection with the dissemination of propaganda designed to influence the administration of justice in the Smith Act trials, which took place in New Haven in 1956.

Samuel Richter and Louise Zito were questioned regarding their activities in this organization and the distribution of propaganda emanating from this organization. Committee investigation is continuing regarding the Connecticut Volunteers for Civil Rights and the Connecticut Peace Council.

Stanley Michalowski and Ladislaus J. Michalowski, employed in industry in New Britain, Conn., refused to inform the committee as to what took place at an alleged meeting of the Trade Union Commission of the Communist Party, held in 1953 and attended by delegates from the Communist Party groups in the New Haven area. Stanley Michalowski refused to affirm or deny that he was at one time head of the Communist Party at Hartford. Although he denied Communist Party membership at the time of his appearance before the committee, he refused to answer whether or not he was a member of the Communist Party on the day prior to his appearance as a witness. Ladislaus J. Michalowski refused to state whether or not he was at the time of the hearings a member of the Communist Party.

BALTIMORE, MD.

In Baltimore, Md., in hearings on May 7, 8, and 9, 1957, the Committee on Un-American Activities received further information of Communist penetration of key industrial areas.

The most dramatic testimony came from Clifford C. Miller, Jr., an employee of the Bethlehem Steel mill at Sparrows Point.

Mr. Miller, a graduate of the University of West Virginia, was an active member of the Communist conspiracy until the time he took the stand to testify before the committee. In fact, he had met with his superior in the Communist Party only a couple of weeks prior to his appearance.

Mr. Miller joined the Communist Party in 1948, and remained a member during 1948 and 1949, when, he testified:

* * * as a result of my continued study of Marxism-Leninism, I decided that, instead of Marxism-Leninism being an ideology that should have my support, it was a diabolical ideology that should be fought * * *.

In 1953, he rejoined the Communist Party at the request of the Federal Bureau of Investigation. He retained this role in the party until the time he appeared before the committee.

In his testimony, Mr. Miller emphasized these two points: (1) The Communist conspiracy is more menacing today than it has ever been, and (2) the Communist Party today is almost entirely underground.

Discussing the 16th National Convention of the Communist Party held in New York City in February of 1957, Mr. Miller labeled as utter nonsense the avowed claim of the convention that the Communist

Party in the United States has no direct connection with the Communist international organization directed from Moscow, or that the Communist Party does not stand for obtaining its objectives through force and violence. Mr. Miller added that such assertions "will be believed only by those who have a predilection to believe such nonsense."

Mr. Miller declared that the Bethlehem Steel plant at Sparrows Point is the focal point of Communist Party concentration in the Baltimore area; that the main duties of members of the Steel Club of the Communist Party in Baltimore were to diligently attend union meetings, to obtain positions of importance in the union, and to influence fellow steelworkers and recruit them into the Communist Party.

As an employee of Bethlehem Steel at Sparrows Point, and a member of the Steel Club of the Communist Party, Mr. Miller had learned the identity of approximately eight other Communist Party members who were also employees of Bethlehem Steel. Also, while a member of the Communist Party in 1948 and 1949, Mr. Miller had learned the identity of numerous other persons who were, likewise, party members.

COMMUNISTS NAMED

One of the individuals identified by Mr. Miller as a Communist Party member was Aaron Ostrofsky, Miller's immediate superior in the party just prior to Miller's appearance and testimony. Ostrofsky, he said, was chairman of the Steel Section of the Communist Party. Called as a witness and given an opportunity to affirm or deny Mr. Miller's charges, Mr. Ostrofsky chose to invoke the privileges of the fifth amendment.

Other Bethlehem Steel employees identified by Mr. Miller as members of the Steel Club of the Communist Party were Irving Spector, William Wood, Levy Williamson, and Benjamin M. Fino. All of these invoked the privileges of the fifth amendment when asked to affirm or deny Mr. Miller's testimony about them.

Miss Irene Barkaga, an undercover operative for the Federal Bureau of Investigation from April 1952 to July 1954, testified at length concerning her activities in the Communist Party. During that period, she said, she met with several different groups. The size was limited for security reasons to no more than 3 or 4 members at any one time. She also met on several occasions with a group operating in the Communist Party underground and with the Youth Commission of the Communist Party in Baltimore. One of the highlights of her testimony was the disclosure that the Communist Party was attempting the penetration of non-Communist and/or anti-Communist groups in Baltimore. She cited instances of Communist Party members active in groups like the Parent Teachers Association, League of Women Voters, and others. In Miss Barkaga's endeavor to obtain information for the FBI, she was also active in several recognized Communist Party fronts, including the Labor Youth League and the Baltimore Youth for Peace.

Three of the persons identified as members of the Communist Party by Miss Barkaga were subpoenaed as witnesses before the committee. They were Miss Sirkka Tuomi Lee, a secretary; Claire Friedman Round, a former school teacher; and Fred Hallengren, an airline mechanic. All three relied on the privilege of the fifth amendment,

refusing to answer questions concerning Communist Party membership or activities.

During the course of the hearings, the committee endeavored to obtain information on the Communist Party organizational structure of District 4, which encompasses Maryland and the District of Columbia. George A. Meyers, who was convicted under the Smith Act and released from a Federal prison during 1957, was subpoenaed as a witness. He refused, however, to state whether or not he had resumed his duties as head of District 4.

Irving Kandel, who was identified by Miller as head of District 4 in Meyers' absence, also invoked the fifth amendment concerning his present or past leadership of District 4.

William S. Johnson, who has been identified as a member of the Communist Party in sworn testimony by several individuals before the committee, also invoked the fifth amendment when asked whether or not he was at the time of the hearings head of the Communist Party in the District of Columbia.

Mrs. Jeanette Fino, identified as a Communist Party member by Mr. Miller, refused to state whether she was a member of the Communist Party or whether she was at the time of the hearings the distributor of the Daily Worker in the Baltimore area. She persistently invoked the fifth amendment when the committee displayed to her canceled checks drawn by her and payable to the F & D Printing Co., which printed the Daily Worker. Some of these checks were dated as recently as March 1957.

Charles M. Craig, Sr., who, like Clifford Miller and Irene Barkaga, had been a member of the Communist Party at the behest of the Federal Bureau of Investigation, testified concerning his knowledge and experiences in the Communist Party. He was a member of the Communist Party from 1943 until 1951 and was assigned to three separate clubs of the Communist Party. In them he held the offices of financial secretary and literary director.

Mr. Craig identified a number of persons who were known to him to be Communist Party members. Among these were Milton Seif and Otto Yerrell, both of whom were employed at the Bethlehem shipyard in the Baltimore area. Seif had appeared before a general executive board of his union, the Industrial Union of Marine and Shipbuilding Workers of America, in March 1956, and had denied that he was, or had ever been, a member of the Communist Party. However, at the time, he was not placed under oath; and when questioned during the committee hearings as to the truth of his statements to the general executive board of his union, he invoked the fifth amendment.

Yerrell likewise invoked the fifth amendment when asked to affirm or deny Mr. Craig's identification of him as a member of the Communist Party. Both Seif and Yerrell had previously been candidates for the State legislature on the Progressive Party ticket in the State of Maryland.

Another person identified as a Communist by Mr. Craig was Abraham Kotelchuck, a former physicist at the Aberdeen Proving Ground who was dismissed by the Government in 1946 for security reasons. He subsequently obtained employment in industry in Baltimore. Kotelchuck invoked the fifth amendment in response to questions concerning Communist activities.

During the 3-day hearings in Baltimore, six other witnesses appeared: Mary Roberts, chairman of the Baltimore Committee To Defeat the Smith Act, who has been previously identified as a Communist Party member under oath before the Committee on Un-American Activities; Elsie Winter, an office worker who was active in the Parent Teachers Association and was identified as a Communist Party member by Mr. Craig; Milton Bates, a salesman who holds an LL.B. degree and was also identified as a Communist by Craig; Herbert Nichol, a teacher at a private school in Baltimore, who has been identified under oath as a Communist Party member; Marcella Halper Aynet, a former schoolteacher, active in Parent Teachers Association and other organizations in the Baltimore area and who was identified by Craig and, previously, by another witness before this committee as a member of the Communist Party; and Harold Buchman, practicing attorney in Baltimore, who was cochairman of the Progressive Party for the State of Maryland.

All of them invoked the fifth amendment in refusing to furnish the committee any information concerning Communist Party activities in the Baltimore area.

SAN FRANCISCO, CALIF.

For the third time since 1953, a subcommittee of the Committee on Un-American Activities held hearings in the city of San Francisco. The first hearing was held December 1-5, 1953, at which data of a general nature concerning the internal workings of the Communist Party in the San Francisco Bay area were gathered.¹ The hearings of December 10 and 11, 1956, concentrated on Communist propaganda of a foreign source entering the port of San Francisco and its local dissemination.²

The December 1956 hearing also demonstrated that Communist organizations and individuals representing said organizations in the San Francisco area were participating in a nationwide program espoused by the Communist Party to formulate mass public opinion against legislation to curb the activities of the Communist Party, and thus neutralize internal security. Legislation under bitter attack was the Smith Act, the Internal Security Act of 1950, and the Immigration and Nationality Act.³

The hearings of June 18-21, 1957, concentrated on an entirely new field in the San Francisco area. Broadly speaking, the main subject of investigation was the extent, character, and objects of Communist Party activities within the professions. The legislative purpose was to secure facts which would assist this committee and the Congress in the consideration of legislation designed to strengthen the provisions of the Internal Security Act of 1950, and to protect our form of government and our country from the threat of international communism.

The Professional Section of the Communist Party was shown by the testimony to consist of tightly organized secret groups of the Communist Party, composed of members of the various professions. The identity of those who were members of the professional groups of the Communist Party was kept secret from the rank-and-file members and for the most part the same secrecy was maintained within the

¹ See Investigation of Communist Activities in the San Francisco Area, pts. 1 to 5, inclusive, pp. 3055-3499.

² See Investigation of Communist Propaganda in the United States—pt. 3, pp. 6039-6139, inclusive.

³ See Communist Political Subversion, pt. 1, pp. 6861-6934, inclusive.

Professional Section of the Communist Party as to the identity of members of the respective groups.

The evidence disclosed that the lawyers and doctors had their respective organizational units. Those engaged in the newspaper field were at one time members of a separate unit of a Professional Section of the Communist Party, but later became members, along with teachers, artists, musicians, and other professionals, in a miscellaneous unit of the Professional Section of the Communist Party.

The committee interrogated 31 witnesses in open session, and 4 in closed session. Two witnesses testified at length regarding their Communist Party membership. Jack Patten, a professor at a leading university, laid before the subcommittee a pattern of Communist intrigue from the date of his membership in 1936, to his leaving the Communist Party in 1948, with the exception of 26 months when he served in the United States Army. He gave a detailed account of his experiences while a member of the Communist Party in the Professional Section in San Francisco during the years 1941 through 1943, and again from 1946 through 1947.

PROGRAM OF PROFESSIONAL UNIT

Dorothy Jeffers, a former schoolteacher and social worker, who joined the Communist Party at the request of the Federal Bureau of Investigation, testified as to her membership from 1943 to 1952. Her entire experience in the Communist Party was within the Professional Section in San Francisco. Her testimony illuminated the objectives of the Professional Section and outlined the assignments of individual Professional Section members. Members of the Professional Section, according to Mrs. Jeffers, were assigned to join and work in mass organizations, to gain positions of importance, to further the Communist Party line on given subjects, and to neutralize anti-Communist opposition. The end result of this program was to attempt to create a pro-Communist atmosphere in San Francisco.

Of the remaining 29 witnesses who were heard in open session, 28 refused to answer pertinent questions relating to their knowledge of Communist Party activities of the Professional Section of the Communist Party and its members, in reliance upon the decision of the Supreme Court in the case of *Watkins v. United States*, decided June 17, 1957, the day before the hearings began. However, upon explanation of the subject under inquiry and the pertinency of the respective questions to the subject, each finally resorted to the self-incrimination clause of the fifth amendment as a reason for refusal to answer.

Louis Earl Hartman, a radio broadcaster, refused to state whether or not he was at the time of the hearing a member of a professional group of the Communist Party at Berkeley, Calif.; whether or not he was elected chairman of the professional group of the Communist Party at Berkeley in January 1957; and the nature of propaganda activity in which the professional group of the Communist Party at Berkeley was engaged. This witness did not rely upon the self-incriminating clause of the fifth amendment in his refusal to answer, but based his refusal to answer on the decision of the Supreme Court in *Watkins v. United States*.

To evaluate the success of the Communist program and the damage done to the United States Government is extremely difficult; how-

ever, it can be said that an analysis made of evidence pertaining to the membership of some 120 past and present members of the Professional Section shows that only three members of the section, excluding Dorothy Jeffers, an FBI operative, were willing to admit their Communist Party membership and relate their experiences while members.

LAWYERS INVOKE FIFTH AMENDMENT

Attorneys Charles R. Garry, Benjamin Dreyfuss, and Hugh B. Miller, all identified during the hearing as members of the lawyers' cell (Haymarket Club) of the Professional Section, were called as witnesses but invoked the fifth amendment when questioned concerning testimony by witnesses Jeffers and Patten.

Heard as witnesses from the medical cell were Dr. Solomon Bineman, Dr. Morton Garfield, Dr. Asher Gordon, Dr. Rose Payne (research associate), and Dr. Evelyn Siris (Mrs. Lawrence Levitan), all of whom relied on the self-incrimination clause of the fifth amendment and refused to affirm or deny Communist Party membership.

From the miscellaneous or multiprofessions cell of the Professional Section, the following testified, all availing themselves of the provisions of the fifth amendment: Sydney H. Brisker, architect; John M. (Jack) Eshleman, newspaperman; Morton L. Elkins, Thomas D. Hardwick, John Horowitz, Jane Scribner, Sidney Rubin, former schoolteachers; Rebecca L. (Bea) Melner, Jane Robinson Castellanos, and Edward L. (Ned) Hanchett, present educators.

David Sarvis and George Hitchcock, part-time actors and directors of the now defunct California Labor School, were called as witnesses to ascertain the degree of influence of the Communist Party in San Francisco acting groups. Both persons are connected with The Interplayers, theatre group in San Francisco and both declined to respond to questions using the self-incrimination clause of the fifth amendment as refuge.

COMMUNIST LITERATURE

Another subject under inquiry by the committee was the dissemination of Communist Party literature within the San Francisco area received from both foreign and domestic sources. The committee is considering legislative means of strengthening the Foreign Agents Registration Act so as to afford a more effective means of counteracting the schemes and devices used in avoiding the prohibitions of the act with regard to the tremendous flow of political propaganda of a Communist origin entering this country. A dissemination point of such Communist Party propaganda in San Francisco is the International Book Store, Inc., located at 1408 Market Street. Mr. Ellis Colton, manager of the store, was subpoenaed to appear before the subcommittee. He refused to affirm or deny Communist Party membership, although previously identified as a member of the Communist Party, and further declined to discuss the sources from which he received Communist Party publications which had been purchased at the International Book Store. He was also questioned on material in the possession of the subcommittee purchased at the bookstore in recent months, none of which was labeled as required by the Foreign Agents Registration Act.

The committee, in endeavoring to ascertain the current strength and activities of the Professional Section, subpoenaed Angela Ward, former organizer for the Professional Section who resigned the latter part of December 1956; Peggy Sarasohn, current active organizer of the Professional Section; and Irving Kermish, a social worker, who had resigned from the Professional Section during the first quarter of 1957. These three refused to respond to questions, relying on the self-incrimination clause of the fifth amendment.

In line with the committee's investigation concerning the limitations on the issuance of passports to members of the Communist Party, testimony was heard from Harvey Richards, a Communist Party propagandist specializing in South American countries. He had just returned from South America and recently had engaged in a lecture tour in the United States criticizing American foreign policy in the South American countries. His travels are considered inimical to the best interests of the United States. Although passports are not required for travel to South American countries, the attention of the Secretary of State was called to the problems arising from travel-free restrictions of Communist Party members in that area.

BUFFALO, N. Y.

Hearings in Buffalo on October 2, 3, and 4, 1957, furnished additional evidence of Communist tactics in penetrating industry. This evidence showed clearly the need for additional security legislation, particularly provisions dealing with the falsification of social-security cards by Communist Party members.

The need for enactment of legislation of this type was illustrated on several occasions during the course of the hearings in Buffalo. One of the witnesses, David Martin Brownstone, had been employed as a laborer at the Bethlehem Steel plant in Lackawanna, a suburb of Buffalo, as part of the Communist program of colonization, the method whereby Communists, at the behest of the Communist Party, obtain employment in industry for the purposes of recruiting and/or influencing coworkers. Generally, these individuals apply for a position requiring less training and education than they actually possess. Many are college graduates holding one or more degrees.

Brownstone, a college graduate with 3 years of law study at Cornell University, had applied for a position as a laborer at Bethlehem Steel. When he moved to the Buffalo area, he assumed a completely new identity for himself and his family. Under the name of Frederick J. Werner, he obtained employment at Bethlehem Steel. In his application he falsified his place and date of birth, previous addresses, previous employment, his education (indicating only high school), and gave pseudonyms for all the members of his family. To complete that sham, he used a false social-security card.

In previous hearings of the committee, Brownstone had been identified as a member of the Communist Party by four individuals. In 1954, the committee held hearings in Albany, N. Y. At the time, efforts were made to locate and subpoena Brownstone as a witness. However, an extensive investigation failed to reveal his whereabouts. It came to light during the Buffalo investigation that at the very time the committee sought Brownstone he was operating in the underground under the name of Werner and was employed at Bethlehem Steel.

When interrogated in the Buffalo hearings, Brownstone refused, on the basis of the fifth amendment, to give the committee any information concerning colonization or the Communist Party.

Charles V. Regan, who had been an undercover operative in the ranks of the Communist Party for the FBI, showed the reasons for Brownstone's deception. Mr. Regan identified a document which came into his possession while a member of the Communist Party. The document was in the form of a directive to other party members. The first paragraph reads as follows:

Three basic industries, steel, railroad, and mining. These are basic to the national economy: that is, if any one or all three are shut down by strike our economy is paralyzed. It is necessary for a Marxist Revolutionary Party to be rooted in these industries.

Mr. Regan further described the importance to the Communist Party, of its infiltration into industry in general and particularly the steel industry, in the Buffalo area. He cited numerous meetings he had attended at which the importance of infiltration and the tactics to be employed in such infiltration were discussed.

During the course of his testimony, Mr. Regan identified approximately 75 persons he had known to be members of the Communist Party.

The extent to which the Communist Party has gone to penetrate industry was brought out in evidence produced before the committee in interrogating other witnesses. Thirty-four persons were subpoenaed as witnesses. Of these, more than one-half were, or had recently been, employed in basic industry in the Buffalo area. Many were college graduates primarily from New York City, who had moved to Buffalo to work in industry, particularly in steel plants. Of the 8 or 10 college graduates, some holding master's degrees, all had failed to indicate more than a high-school education in their applications for employment. Many of these persons had been successful in obtaining positions of relative importance in their unions.

Two individuals who appeared as witnesses and who were employed in industry were Sam Brook and James Annaccone. Both held offices in their respective unions which required their signing non-Communist affidavits under the provisions of the Taft-Hartley law. However, both refused, on the basis of the fifth amendment, to state whether or not they told the truth when they indicated that they were not members of the Communist Party in executing this affidavit.

COMMUNISTS MISUSE PASSPORTS

Joseph A. Chatley, who, like Mr. Regan, served within the ranks of the Communist Party for the FBI, from 1949 to approximately 1952, provided the committee with valuable information concerning the Communist misuse of passports. Mr. Chatley testified that he was contacted by Irving Charles Velson, an identified Communist Party member, and was told that he had been selected as a delegate of the American Committee To Survey Trade Union Conditions in Europe. Mr. Chatley testified that the true purpose of this trip was for Communist propaganda. He also identified numerous persons he had known as Communist Party members, in many instances corroborating the testimony of Mr. Regan.

The committee has received testimony recently to the effect that the Communist Party is reviving its tactic of infiltration of "legitimate" organizations; that is, non-Communist and/or anti-Communist groups. Mr. Regan gave corroborative testimony of this.

Four witnesses were called before the committee in its inquiry into this aspect of the party's work: Beverly Levine, Ruth Bolton, Nancy Hull Salmin, and Betty Thorner. All were active in the local YWCA in Buffalo. However, all refused, claiming their privilege under the fifth amendment, to state whether they were or had been members of the Communist Party.

Various other persons active in other civic and social organizations were called before the committee. They all invoked the fifth amendment rather than answer questions of the committee.

Another witness who cooperated with the committee was Mr. Loyd E. Kinsey, who had been a functionary of the Communist Party in the Buffalo area until approximately 1948. He furnished corroborative information to the effect that one of the primary aims of the Communist Party in that area was to penetrate basic industry, particularly the steel industry. Mr. Kinsey was also able to furnish the names of persons who had been known to him to be members of the Communist Party.

One of the individuals named by Mr. Kinsey was Miss Helen Mintz, an attorney employed by the city of Buffalo. When interrogated by the committee, Miss Mintz denied that she was or had been a member of the Communist Party.

Many persons who appeared before the committee stated under oath that they were not members of the Communist Party at that moment but invoked the fifth amendment as to membership immediately preceding their appearance. Several even invoked the fifth amendment on anticipated membership in the future, the obvious conclusion being that they had resigned technical membership in the Communist Party for the purpose of being able to appear before the committee and state that they were not then members of the Communist Party.

SECTION IV

COMMUNIST PROPAGANDA

Hearings by the Committee on Un-American Activities in Washington, D. C., New York, New Orleans, Chicago, and Buffalo during the past year produced proof that Communist propaganda directed to nationality groups in the United States and the Communist-dominated foreign language press together constitute one of the Kremlin's chief propaganda operations in the United States.

This propaganda, in turn, is part of a global program which ranks as one of the Kremlin's most important instruments of conquest. Indeed, Communist expansion cannot proceed without effective distribution of its propaganda.

Henry Loomis, then Director of the Office of Research and Intelligence of the United States Information Agency, estimated that as many as 25 million persons throughout the world are directly engaged in disseminating Communist propaganda. Mr. Loomis also declared that—

Every person who has any contacts outside his immediate family or tribe, is subjected to Communist propaganda in one form or another.

In command of this propaganda operation, Mr. Loomis reported, is the Agitprop section of the Communist Party of the Soviet Union, which has 14 departments, the most important of which are those for press, publishing, film, radio, literature, art, cultural enlightenment, schools, and science. Emphasizing the role of propaganda in the International Communist program, Mr. Loomis quoted a maxim of Lenin:

Without a Communist press, the preparation for the dictatorship of the proletariat is impossible.

In the hearings in New York, Chicago, New Orleans, and Buffalo, the committee received information about the quantity of Communist propaganda entering the United States. In New Orleans, the witnesses were Milton L. LeBlanc, Assistant Collector of Customs, New Orleans, La.; Irving Fishman, Deputy Collector of Customs, New York City; Margaret M. Rosano, United States Customs Service, New York City; Saul J. Mindel, Post Office Department, Washington, D. C.; and Sgt. Hubert J. Badeaux, New Orleans Police Department.

Mr. Fishman testified on the efforts of the United States Government to control the flow of Communist propaganda into the United States. He stated that the customs service has control units at three ports of entry: in San Francisco, Chicago, and New York. However, he noted that there are approximately 45 ports of entry through which material may be sent into the United States.

Commenting on the labeling of Communist propaganda as required by the Foreign Agents Registration Act, Mr. Fishman stated that during his entire period of service with the United States Customs, he had never seen a piece of Communist propaganda from abroad labeled in compliance with the act.

FLOOD OF COMMUNIST LITERATURE

Mr. Fishman testified further that during 1956 customs officers had examined some 6,900,000 pieces of individual Communist propaganda coming into this country from foreign sources. Most of these, he said, were weekly, monthly, or special issue publications. About 40 percent were printed in foreign languages.

In a 30-day spot check of material transshipped from New Orleans to points outside the United States, he said, customs officers examined 1,246 sacks of mail and found that these contained some 11,000 individual pieces of Communist propaganda. This proportion, he said, would indicate that some 130,000 individual items of Communist propaganda passed through the port of New Orleans each year.

During the hearings, several sacks of mail were opened and inspected for the first time. In them the committee found a number of copies of a Bulletin of Information from the Soviet Embassy in Mexico, along with other propaganda material.

Most of this material, the committee was told, was destined for schools, colleges, libraries, and church groups. Mr. Fishman testified that many of the officials of these organizations receiving this propaganda had asked the Bureau of Customs to withhold any future material of this type so addressed because they did not want it and would rather have it destroyed before they receive it.

Mr. Fishman stated further that not all of the Communist propaganda he had examined during his service with the Bureau of Customs originated from the Soviet Union or the satellite countries; much of it came from France and England.

FOREIGN LANGUAGE PRESS

The hearings in New York and Chicago were concerned with an inquiry into Communist penetration of the foreign-language press. Appearing before the committee in New York were 28 witnesses from foreign-language publications, Communist periodicals, publishing firms, and bookstores. They were Zoltan Deak, editor of Hungarian Word; Catherine Gyarmaty, editor of Nok Vilaga, a Hungarian monthly periodical; Alex Rosner, business manager of Hungarian Word; Louis Dattler, secretary of Hungarian Word; Arpad Fodor Nagy, treasurer of Hungarian Word; Clara Reich, secretary of Nok Vilaga; Michael Savides, business manager of Greek-American Tribune; James Lee, editor of China Daily News, a Chinese-language daily; Michael Tkach, editor of Ukrainian Daily News; Frank Ilchuk, secretary-treasurer of Ukrainian Daily News; Anthony Bimba, editor of Sviesa, a Lithuanian quarterly; Roy Mizara, editor of Laisve, a Lithuanian-language weekly; David Z. Krinkin, editor of Russky Golos, a Russian-language daily; Theodore Bayer, former president of Russky Golos Publishing Corp., publisher of Russky Golos; Samuel J. Nikolauk, secretary of the Russky Golos Publishing Corp.; Paul Novick, editor of the Morning Freiheit, a Yiddish daily; Irving Freed, managing

editor of the Morning Freiheit; Gerhard Hagelberg, editor of the German-American; John Gates, then editor of the Daily Worker; Angus Cameron, of the publishing firm of Cameron & Kahn and president of the Liberty Book Club; Rose Baron, owner and manager of the Workers Book Shop, the "official" Communist Party bookstore in New York; Margaret Cowl Krumbein, presently associated with Imported Publications & Products, Inc., a registered agent for many Communist publishing firms in the Soviet Union; Sol Auerbach (James S. Allen), an official of International Publishers; Joseph Felshin, an official of New Century Publishers and associated with the publication, Political Affairs; Jessica Smith (Abt), presently associated with New World Review; and Milton Howard, an official of Mainstream.

IDENTIFIES COMMUNISTS

John Lautner, a former member of the Nationality Groups Commission of the Communist Party, named 18 of these persons whom he had known as Communists. These 18 were Zoltan Deak, Catherine Gyarmaty, Alex Rosner, Louis Dattler, Arpad Fodor Nagy, Clara Reich, Michael Tkach, Theodore Bayer, Samuel Nikolauk, Paul Novick, Irving Freed, John Gates, Rose Baron, Margaret Cowl Krumbein, Sol Auerbach, Joseph Felshin, Jessica Smith (Abt), and Milton Howard. Mr. Lautner also identified as Communists two persons not summoned before the committee: Margaret Adler, business manager of the German-American, and Boris Cohen, head of Prompt Press.

All of the witnesses appearing before the committee who had been identified as Communists invoked the fifth amendment in response to questions relating to Communist Party affiliation and the activities of the newspapers and publishing concerns for which they work.

Moreover, 13 of them invoked the fifth amendment on whether or not they were members of the Communist Party on the date of their naturalization. They were Michael Savides, Michael Tkach, Anthony Bimba, Roy Mizara, David Krinkin, Theodore Bayer, Zoltan Deak, Catherine Gyarmaty, Louis Dattler, Clara Reich, Samuel Nikolauk, Paul Novick, Gerhard Hagelberg.

Michael Tkach, editor of the Ukrainian Daily News, and Gerhard Hagelberg, editor of the German-American Tribune, refused to answer questions respecting Soviet espionage. Mr. Tkach had been identified by Elizabeth T. Bentley in sworn testimony as an important member of a Soviet espionage ring operating in the United States.

Mr. Hagelberg, also known as Charles Wisley, writer for New Masses, and Jerry Kramer, a member of the Communist Party in Brooklyn, invoked the fifth amendment when asked, "What contacts have you had in the course of last year with persons who are representatives in the United States of foreign governments?"

COMMUNIST IMPACT DESCRIBED

Mr. Lautner testified that the Communist press exerts a "terrific impact" on foreign-language groups in the United States, particularly on the large industrial areas. Lautner said 10 of the editors and officers of publications held important posts in Communist Party nationality groups or bureaus in the United States.

Mr. Lautner stated that the now defunct International Workers Order was a primary source of financial assistance to both the English- and foreign-language segments of the Communist press. Mr. Lautner concluded his testimony by exposing the fraudulent "new look" of the Communist Party in the United States which the 16th National Convention of the Communist Party tried to perpetrate by disavowing any conspiratorial connection with Moscow. According to Mr. Lautner, evidence of this fraud is best demonstrated by the fact that the Communist Party in the United States in convention refused to repudiate Leninism and failed utterly to denounce Soviet barbarism in Hungary.

Exhibits introduced at the hearings confirmed that certain segments of the foreign-language press in this country are propaganda pipelines for Moscow.

The committee also questioned Joseph Starobin, formerly the foreign editor for the Daily Worker. Starobin admitted his own party membership and connections with various propaganda outlets for the Communist Party, but refused to cooperate with the committee in disclosing the identity of others associated with him in the Communist Party.

COMMUNIST PRESS IN CHICAGO

In Chicago, the committee heard nine witnesses associated with foreign-language newspapers in Chicago, Detroit, and Superior, Wis., areas. These witnesses, all of whom invoked the fifth amendment on questions relating to Communist associations and Communist Party membership, were:

Nellie DeSchaaf, former English section editor and current contributor to Vilnis, Lithuanian daily, printed in Chicago.

Jacob Pauliukas, business manager of Vilnis.

Leon Pruseika, an editor of Vilnis.

Anthony Minerich, business manager of Narodni Glasnik, published in Chicago.

John Zuskar, publisher and editor of Ludova Noviny, published in Chicago.

George Wastila, editor of Tyomies-Eteenpain, Finnish language daily published in Superior, Wis.

Wladislaw Kucharski, editor of Glos Ludowy, Polish language paper published in Detroit.

Bocho Mircheff, managing editor of Narodna Volya, Bulgarian language paper published in Detroit.

Nicholas Markoff, treasurer of Narodna Volya.

The testimony established that Chicago is the headquarters for the largest of all the Communist papers, the Lithuanian daily, Vilnis, whose circulation of 32,000 daily exceeds that of the Communist Daily Worker. All of its principal officers have been identified as Communists. Several of its former editors are subjects of deportation proceedings.

Two witnesses were interrogated about the dissemination of Communist propaganda in the Chicago area. Both refused on the grounds of possible self-incrimination to answer questions concerning propaganda activities of the Communist Party. The two witnesses were:

Otto Wangerin, operator of the Modern Book Store, a party outlet for the Chicago area, who invoked the fifth amendment

when questioned concerning his Communist Party affiliations and the type of material disseminated by his bookstore.

John A. Rossen, who also invoked the fifth amendment when questioned about any Communist Party affiliations. In testimony, Mr. Rossen was identified as executive director of the Chicago Council of American-Soviet Friendship and the owner of L. M. S. Amusement Co., Inc., which operates the Cinema Annex Theater in Chicago.

The evidence in the record of the committee hearings is clear, and the committee so finds, that the Hungarian Word, Nok Vilaga, Russky Golos, German-American Tribune, and Vilnis are Communist-controlled publications and that the Modern Book Store, Chicago, is the party outlet for Communist Party propaganda and literature in that area.

BUFFALO DISTRIBUTION CENTER

In Buffalo, N. Y., in a public hearing on October 1, 1957, the committee interrogated at length two identified Communists, Mortimer Scheer and Sidney Turoff about the distribution of Communist propaganda in the Buffalo area.

Mortimer Scheer invoked the fifth amendment in response to all questions relating to Communist Party membership and activity. Mr. Turoff readily admitted his own membership and activity in the Communist Party. However, he refused to give the committee the identity of any individuals known to him to have been members of the Communist Party. Mr. Turoff also admitted purchasing printing presses to be used by the Communist Party and its members in the Buffalo area.

Also appearing at this hearing were Irving Fishman, deputy collector of customs in New York, and Miss Eleanor Suske and Serge Buteneff, administrative assistants in the Restricted Merchandise Division of the United States Customs Service in New York. They testified that approximately 3,000 pieces of Communist propaganda were being sent to the Buffalo area for distribution per month.

METROPOLITAN MUSIC SCHOOL, INC.

Closely allied to the Communist propaganda program are the Kremlin's efforts to infiltrate and control important cultural activities in the United States. In the past, the committee has received considerable evidence of Communist activities in the motion-picture, radio, and television industries. In hearings in New York on April 9-12, 1957, the committee uncovered further Communist efforts to penetrate the field of arts. These hearings were concerned with the Metropolitan Music School, Inc., of New York, and they showed clearly that the Metropolitan Music School is controlled by Communists.

The committee was able to determine that:

(1) Considerable service has been, and continues to be, given to the Communist cause by Communist artists and musicians. Even a hostile witness, Earl Robinson, composer, conductor, and performing artist, admitted that the use of an artist's name and his prestige can promote a "cause" and that certain music is "revolutionary."

(2) Some of the witnesses identified as Communists in the Metropolitan Music School hearings enjoy great influence and prestige as composers, conductors, agents, and members of world-renowned symphonic and concert groups. Many work in the most lucrative fields of music: Television, radio, theater pits, and record companies. One witness was chairman of the board of the Symphony of the Air; another was a member of its personnel committee; still another engages musicians for orchestras to accompany productions and artists presented by an internationally famous impresario.

(3) The importance of many of the witnesses who were identified as Communists is further evidenced by the fact that they have performed, and their works have been performed, in some of the most important musical centers and theaters throughout the world, sometimes under the sponsorship of cultural agencies of the United States Government. One such witness entertained at the White House; another worked for the Adjutant General of the United States as a translator for the United Nations, first in the Russian Translation Section and later for its International Telecommunications Union. He refused to say whether or not he had been a Communist or whether he had been in communication with any Soviet agent. At the time of the hearings he held the position of music librarian for an important music publishing house.

SCHOOL OFFICERS IDENTIFIED

In the hearings and investigation by the committee Miss Lilly Popper, the director and founder of the Metropolitan Music School; Wallingford Riegger, president emeritus; John Kenneth Ackley, the registrar; Sidney Finkelstein, Thelma Pyle, and Harry M. Syles, members of the board of directors; and Mildred Hagler, a former secretary, all of the Metropolitan Music School, Inc., were identified as members of the Communist Party or invoked the fifth amendment when interrogated on the question of Communist Party membership.

Wallingford Riegger was identified by John Lautner, not only as a Communist Party member, but as a branch organizer, treasurer, and general functionary of the Communist Party. Lucy Brown, Max Hollander, Sam Morgenstern, Max Pollikoff, Vivian Rivkin, and Earl Robinson, all sponsors of the Metropolitan Music School, invoked the fifth amendment when questioned about Communist Party membership. Carroll Hollister, another sponsor, had been identified as a party member in a prior hearing.

Twenty-four identified Communists have been on the faculty of the school. Some of the instructors have also taught at the Jefferson School of Social Science, a Communist school. One of them, Sidney Finkelstein, cultural spokesman for the Communist Party, described one of his courses at the Jefferson School of Social Science in the school catalog as "the role of culture in the class struggle today."

Such Communists as Paul Robeson, Robert Claiborne, and Oakley C. Johnson were on the Citizens Committee when the 20th anniversary of the Metropolitan Music School was commemorated in 1954; Robert Claiborne was publicity director and Oakley C. Johnson was editor of the 20th Anniversary Golden Almanac.

The music school has an annual registration of between 375 and 400 children and adults.

That the school does not impart musical instruction objectively is evidenced from an article which appeared in the Daily Worker of September 21, 1938, introduced into the committee record as an exhibit, in which Dr. Joachim Schumacher, faculty member, announced the introduction of a new course as a study of "the bourgeois music culture in the period of monopoly capitalism." When Lilly Popper, director of the school, was asked if the foregoing accurately described the theme of teaching at the Metropolitan Music School, she invoked the fifth amendment. An article in People's Songs, February-March 1947 issue, entitled "People's Songs—First Year," states, "Among the first year's most successful projects were the classes in the use of music for political action." In his testimony before the committee Earl Robinson, faculty member, stated that music had been used "a lot" for political action.

The danger the Communist musician and teacher presents is summed up in a letter addressed to Lilly Popper, director of the Metropolitan Music School, in answer to her appeal that the school be supported in the investigation and hearing. The writer of the letter is Dr. Abram Chasins, music director of radio station WQXR owned by the New York Times and director of the annual musical educational activities of the New York Times.

Miss Popper had stated in her appeal, "The very idea that there is an 'un-American' way of teaching music is ridiculous." Dr. Chasins answered:

I think this is eminently correct, but there is more to the question. There are those who think that teaching involves only techniques. However, a teacher worthy of the name exerts a powerful intellectual and spiritual influence on the pupils. In my opinion, any teacher who abuses this great pedagogical privilege to impose irrelevant political ideas upon an esthetic relationship is unfit to teach, no matter what his nationality or ideology.

SECTION V

COMMUNIST PENETRATION OF COMMUNICATIONS FACILITIES

An immediate danger to national security lies in the continuing penetration of the Nation's communications facilities by potential Communist spies and saboteurs.

This was established clearly in hearings by the Committee on Un-American Activities on July 17, 18, 19, August 2, and October 9, 1957. Continuing investigation by the committee has disclosed further that the Communist apparatus has been able to infiltrate key segments of the Conelrad enemy warning system, established to alert the civilian population in a target area.

In the course of the hearings, the committee ascertained that the National Labor Relations Board continues to recognize the American Communications Association as the representative of communications workers servicing key communication lines of a number of vital United States Government agencies, including the Department of Defense. The American Communications Association was expelled from the CIO on June 15, 1950, because of its domination by Communists. Officers of the union who have been identified as members of the Communist Party include Joseph P. Selly, president; Joseph Kehoe, secretary and treasurer; Dominick Panza, international vice president; and Charles L. Silberman, editor of ACA News.

J. L. Wilcox, a vice president of the Western Union Telegraph Co., testified that approximately 4,200 of the employees of Western Union were represented by the American Communications Association.

During the course of the October 9 hearings, the committee interrogated William Bender, vice president in charge of the broadcast division of the Communist-controlled American Communications Association. Mr. Bender testified that the broadcast division of the American Communications Association had about 100 members and that they had representation in 7 radio stations—WLIB and WBNX, in New York City, WPEN, WIP, WDAS, WIBG, and WHAT, located in Philadelphia, Pa.

Mr. Bender, when asked whether or not he was a member of the Communist Party, denied membership at the time of the hearings but invoked the fifth amendment when asked whether he had been a member of the Communist Party in the course of the past year. Mr. Bender did testify, however, that some of the radio stations represented by the American Communications Association participate in the so-called Conelrad System of air raid defense which, in time of national emergency, will become an integral part of our defense operations. Mr. Bender refused to divulge the names of persons employed in any of these radio stations who, to his certain knowledge, are or have been members of the Communist Party.

The danger inherent in Communist access to communications facilities was described by Adm. Ellery W. Stone, president of American Cable & Radio Corp., in these words:

* * * If an operator were subversively inclined he could make copies of such messages in the normal course of his work, if unobserved, and deliver them to outsiders who could well be expert in decoding and thus bring about a breaking of codes.

* * * * *

There exists, too, actual danger of sabotage on a wide basis, where trained saboteurs are planted throughout any communications company facilities at the outbreak of any hostilities. It would be a simple matter for such employees to cripple communications by damaging delicate and complex equipment, pouring acid on lead-covered cables, for example, which are used in modern methods of message transmission.

Admiral Stone declared further that this threat would be present even if only a handful of Communists were employed in vital communications centers. Regarding ship-to-shore radio installations, Admiral Stone commented in effect that Communists having access to communication facilities pertaining to defense transportation of the United States and our allies, could transmit information to an enemy, thereby creating a danger to the security of the United States.

SOVIET INFILTRATION CONTINUING

A. Tyler Port, Director of the Office of Personnel Security Policy, Office of the Secretary of Defense, stated in his testimony that the Department of Defense has actively supported legislation that would permit the removal of dangerous persons from facilities vital to our Nation's security. He warned, however, that the Department of Defense cannot assure the Congress or the American people that all reasonable measures have been taken to safeguard our national security inasmuch as Communists are still permitted to work in vital communications facilities.

Mr. Port further stated in his testimony that the Defense Department is continuously aware that regardless of what specific international development occurs, infiltration of the defense effort by agents of the Soviet Union is a continuing objective.

(The following is an excerpt from the hearing:)

Mr. ARENS. Is the record clear, gentlemen, that the Defense Establishment is of the judgment that present law is inadequate to cope with the problem of Communists and their access to the vital communications facilities of the Defense Department?

Mr. PORT. That is correct, Mr. Arens. I might say, if I may, that as the speed, range, and complexity of our modern weapons systems advance, our communications systems on a global basis become increasingly vital to modern military operations.

Supplementing our own communications facilities international communications industries of this country play a vital role in our national defense effort.

Paul Goldsborough, staff director, Communications Division, Office of the Assistant Secretary of Defense (Supply and Logistics), also appeared before the committee and testified that there is a potential possibility of sabotage of communications facilities which process defense messages by any "subversive element that might be so minded."

Michael Mignon, a representative of the Communications Workers of America, AFL-CIO, testified that he had formerly been a member of the Communist Party of the United States. Mr. Mignon pointed out the importance that the Communist Party places upon control of the communications industry in times of emergency. He stated:

To the best of my recollection, sir, it was always pointed out to me that the importance of obtaining control of the communications industry in times of stress or in revolutionary times was a primary factor, and therefore the efforts of the Communist Party in subsidizing the union and offering whatever assistance they could in building the union in the communications industry was primarily the main objective.

Mark Anthony Solga, employed as a radio operator by the Radio Corporation of America, testified before the committee that he had also been a member of the Communist Party. When asked whether he believed that the employment of Communists in the communications industry constituted a serious menace to the security of the United States, Mr. Solga stated:

Potentially, I honestly believe that it does. In the event of any further conflict between the East and West, as that tension increases during the so-called cold war, if it should ultimately develop to a stage where it becomes rather hot, then I do honestly believe they are in a potentially dangerous position to inflict harm on our national security.

Samuel Rothbaum, who is employed as an assistant repeater chief by the Western Union Telegraph Co., testified that he had been a member of the Communist Party and that, in his opinion, based upon 22 years of experience in the communications industry, a saboteur could inflict "an awful lot of damage" in time of crisis.

Mrs. Concetta Padovani Greenberg, who has been employed by the Western Union Telegraph Co. since 1927, also appeared as a friendly witness during the course of the hearings. She testified that she had been a member of the Communist Party for a period of years. When questioned regarding the possibility of access to confidential and coded messages by members of the Communist Party, Mrs. Greenberg testified that persons known to her as having been members of the Communist Party do have access to confidential messages transmitted over facilities of certain segments of the communications industry. She stated that she had seen confidential messages relating to the tests made upon the atomic and hydrogen bombs.

SECTION VI

INTERNATIONAL COMMUNISM

The inherent conspiratorial character of international communism emerged with greater clarity during the past year through a series of consultations of the Committee on Un-American Activities with various American and foreign experts.

The consultations were part of a series inaugurated by the committee to present to the American people the complete picture of the many ramifications of the international Communist conspiracy, of which the Communist apparatus in the United States comprises only one segment.

Current appraisals of Communist strategy and tactics in Hungary, the Baltic States, Red China, and the Far East were obtained from former citizens of these countries. In addition, the committee received valuable analyses of the Communist mind and the ideological fallacies of communism.

THE IDEOLOGICAL FALLACIES OF COMMUNISM

The ideological fallacies of communism were tellingly exposed by three prominent clergymen of the Jewish, Catholic, and Protestant faiths.

RABBI S. ANDHIL FINEBERG

Rabbi S. Andhil Fineberg, community-relations consultant of the American Jewish Committee, characterized communism as follows:

Communism is a totalitarian scheme for regimenting human existence. It subjects every aspect of life to the wishes and whims of a bureaucratic oligarchy. It is as different from our outlook on life as atheism is different from faith in God. The political and economic aspects of communism are derivatives of a philosophy whose ultimates cannot resemble ours.

Communists base their view of life on materialism and on a collective society. Our way of life is based on Judaeo-Christian concepts and on the importance of even the most humble individual. They think of people as creatures whose destiny is determined solely by their material well-being. We think of people as creatures with souls, who prize spiritual values.

He discussed the ideological fallacies of communism concerning God, man, private property, and power. Regarding the fallacy of communism with respect to the existence of God, Dr. Fineberg stated:

Ruling out, as they do, the existence of a deity and man's responsibility to that Higher Power, they revere only human beings. They have no hope of the hereafter; they have no concept such as the Jews have—which, incidentally, is the

theme of our high holy days—that everyone is accountable to the Divine Judge. They, therefore, do not have what religious people consider higher moral laws, the immutable demands that God makes upon human beings and which are at the base not only of our aspirations but of our concepts of moral conduct.

His comments with reference to the Communist fallacy in regard to man included these observations:

Lacking a spiritual basis for existence, Communist ideologists conceive of people as having no other worthy objective but material prosperity and military might. All other human ideals, hopes, and aspirations are sacrificed for these. And, in pursuit of these goals for the nation as a whole, Communist rulers assume the right to deal with all human beings as though they were the property and chattel of the state. Democratic leaders would never set up one-party government. You will recall that, when the great emancipator Moses was told that several people were speaking against him in the camp, he welcomed that dissent and said, "Would that all the people were prophets and that God would put His Spirit in all of them."

BISHOP FULTON J. SHEEN

Bishop Fulton J. Sheen, national director of the Society for the Propagation of the Faith, auxiliary bishop of New York, and titular bishop of Cesariana, stated that:

* * * communism is not an economic system; communism is basically a philosophical system, which was born of the marriage of two unmarriageable and unproductive units * * * not based on reality.

He pointed out that—

* * * the existence of God and private property are both denied simultaneously by communism. If a man has no soul, he cannot allege that he has any relationships with anyone outside of the state. If he has no property, he is dependent upon the state even for his physical existence. Therefore the denial of God and the denial of freedom are both conditions of slavery.

He continued: .

The goal of communism is the complete subjection of mankind to a totalitarian system which would deny both internal and external freedom.

With reference to the relationship between the philosophy of communism and communism in action, Bishop Sheen observed that—

* * * as in Christianity the word became flesh, or truth became incarnate; in communism the ideology has become action. There is no great diversity between any principles of communism and communism in action. And that is why many people go wrong in judging communism, because they,

not knowing its ideology, do not understand the present action.

We of the Western World judge Russia by its foreign policy. Whenever there are smiles at Geneva and Russia apparently begins to be lenient with the Western World, we think communism is good. Whereas if you judge it from its ideology, it is a tactic, but not a change of system.

In regard to the tremendous inroads made by communism in the course of the last 50 years, Bishop Sheen stated:

There are many reasons for that. One reason is the spiritual vacuum that has been created in the world. The modern world has lost its faith, it has lost its goal and its purpose. And the world became sick and tired of milk-and-water systems where there was nothing so sacred that you could dedicate your life to it, and nothing so evil that you should risk your life to destroy it. And communism comes into a world that is sick with relativism, and offers an absolute, and men find a loyalty and a dedication and a consecration which gives them great faith in a political system, without imposing any individual morality.

As to why certain persons become Communists, Bishop Sheen noted that communism—

* * * legislates for the mass, but it does not impose any individual morality. That is one of the reasons, I think, why some people—not all, God forbid—have an exaggerated interest in social justice, because it dispenses them from individual justice; they begin taking care of everyone else's problems in order to cover up their own dark and rotten conscience. Whenever I hear people talk about social justice I always want to find out how much they pay their housekeepers.

He continued:

It is always well to investigate the moral background of those who become Communists, as it is always a good principle in talking to people not to be so interested in what they say as in why they say it. Why do certain people say certain things? For example, if you ask me a question, and I immediately begin insulting you or the committee, you shouldn't pay any attention to what I am saying, but to why do I say it, to what is wrong with me.

A young man one day knocked Lincoln down in a hospital in Virginia. He didn't recognize Lincoln, and he said to Lincoln, "Why didn't you get out of the way, you big, long-legged spider?" And Lincoln said, "Young man, what's troubling you on the inside?"

Very often skepticism is a moral position; that is to say, it has been determined by behavior. So the intelligentsia will sometimes follow communism because of their behavior.

Among the courses of action which he suggested in undertaking to cope with the international Communist menace was the expulsion of Russia from the United Nations, and the insistence by the West on the liberation of certain suppressed peoples.

DR. DANIEL A. POLING

Dr. Daniel A. Poling, editor of the Christian Herald, stated that—

Communism is a driving dynamic faith. It has all of the passion that we associate with the early Christian church. But its basic tenet, its first principle, is atheism. It not only disregards, but it refutes and denies, the Christian ethic. It has absolutely no concern for the individual. We believe that government is made for man, and not man for government. Communism teaches and practices that the individual is not only the servant of, but the slave of, the state. He exists for the state. His personal well-being is of no consideration at all if the strength of the state is in any way mitigated or jeopardized by this individual. * * * communism is a total and comprehensive philosophy. It is a way of life. It is a coverall, body, mind, and soul. It is the universal enslavement.

Dr. Poling pointed out that so-called peaceful coexistence with the Kremlin is both incredible and impossible, that so far as the Kremlin is concerned peaceful coexistence means peaceful submission.

"Communism," Dr. Poling continued, "has made, in the opinion of some of us, a moral debacle of the United Nations." He asserted that "there was every reason for us to withdraw recognition of Russia." He urged that individual citizens join in the efforts of the several patriotic organizations of the Nation which are dedicated to resisting communism.

In regard to the manner in which the forces of freedom can compete in the world market place of ideas with Communist ideology, he stated:

* * * We need to emphasize not what material things we have here, but the realities of freedom and the fact that communism is slavery. It is the destruction of the very aspirations of the soul. It is enslavement of the body, and you can prove that by pointing to Communist slave camps all over the world, and not only the enslavement of the body, but the enslavement of the mind and the soul. And remember one thing; there are more than 1 billion human beings who believe in one God—the Moslem, the Buddhist, the Roman Catholic, the Protestant, and the Jew.

We should lay emphasis upon the fact that communism in its first tenet is atheism. We have obscured that idea too often. We need to point to what we have on our coins, "In God We Trust." We need to get that across, if you please. We are getting the dollar across, but we need to get across the thing that we really finally live by in this country.

THE COMMUNIST MIND

A prediction that the international Communist conspiracy will achieve its goal of world domination in about 16 years, if its present rate of expansion continues unabated, was made by Dr. Frederick Charles Schwarz, executive director of the Christian Anti-Communist Crusade, an international organization dedicated to exposure of the Communist campaign of spiritual conquest.

Dr. Schwarz, an Australian physician, surgeon, and psychiatrist, has spent many years in study and research into the basic philosophy of communism. In furtherance of his work, he has traveled extensively in many areas of the world, and is regarded as an authority in the field.

The Kremlin, he said, has set the year 1973 as its deadline for accomplishing world domination. During the next 10 years it expects to see consolidation of its program in Asia and the isolation of the United States. Soviet leadership, he emphasized, is confident that it can achieve its goals without recourse to a third world war.

"I regret to say that, by every standard test, the Communists have been making terrifying progress, and they are winning and we are losing," Dr. Schwarz stated.

Current Communist disarmament discussions, he continued, are "an act of war," not a prelude to peace.

Military stalemate, he added, would free the resources of the Soviet Union for further advances in its program of global conquest.

"Negotiation with the Soviet Union," Dr. Schwarz warned, "is impossible. To think we can do it is to indicate a failure to understand communism so completely that it approaches mental illness."

Dr. Schwarz declared that the brutality of communism is not a departure from its classic ideology, but is the very basis of the Communist program.

"Inherent within the theory of communism," he said, "is the greatest program of murder, slaughter, and insanity conceivable. To the Communists, murder, treachery, and torture are moral acts."

Dr. Schwarz characterized communism as a pseudoscience that bases its doctrine on three points: First, that there is no God, a denial of moral law and all that it implies; second, that man is a material machine, completely describable in terms of chemistry and physics, with no value and no continuity of life; third, that communism is economic determinism.

"Every act that contributes to the Communist conquest is a peaceful act, in their eyes," Dr. Schwarz continued. "If they take a gun, they take a peaceful gun, containing a peaceful bullet, kill you peacefully, and put you in a peaceful grave." Thus, he explained, Khrushchev could call the Russian butchery in Budapest "glorious peace."

The Communist movement, Dr. Schwarz declared, draws its strength from two principal sources. First, "their recruitment of the student intellectual, who is susceptible to the appeals of communism by reason of his educational conditioning; second, the superb organization of the Communists."

The intellectual, he explained, "is recruited in terms of his ideological pride. He is more intelligent than the average man, and he sees the opportunity to mold man and create history."

COMMUNIST PENETRATION OF MALAYA AND SINGAPORE

Kuo-Shuen Chang, a prominent former Singapore newspaper editor, warned in his consultation that Communist labor-union and student organizations, supported by a combat-trained network of jungle guerrillas, are preparing to seize control of Singapore and Malaya. The fall of Singapore and Malaya would have a far-reaching, strategic impact upon the security of the West, Mr. Chang em-

phasized. It would imperil the other key southeast Asian nations of India, Burma, Thailand, and Indochina and deprive the West of a major naval base and source of vital supplies of rubber and tin.

The Chinese population of Singapore, numbering 80 percent of the city's 1,200,000 inhabitants, has a "pronounced affinity" for Red China and will do nothing to oppose the Kremlin's advance, he declared.

Mr. Chang, now on the staff of the Colorado Springs Free Press, was a member of the southeast Asia bureau of the New York Times before coming to the United States in August 1955. At the time the Communists came to power in China, he was managing editor of the Shanghai China Press. He fled from Shanghai in 1949, after refusing to submit to Communist indoctrination and control of his newspaper.

The Communists in Singapore and on the mainland of Malaya, he continued, have been able to infiltrate the Chinese school systems by means of professional students whose sole purpose is agitation and organizational work among their colleagues and the teachers. As a result, he said, today some 10 percent of the students are actively working for the Communists. Although some of the teachers have attempted to oppose the activities of the Communists in the schools, the majority, he said, are "indifferent."

Mr. Chang pointed out that further Communist strength is drawn from the labor movement and from the two major newspapers in Singapore. The largest union is Communist controlled, he said, and asserts a decisive influence in much of the country's industry.

The students and the Communist-controlled unions have joined forces in fomenting strikes and creating disorders, Mr. Chang said. One of the most serious of the incidents which they perpetrated was the riot in May 1955, in which United States Correspondent Gene Symonds was killed.

The newspapers, although not Communist controlled, slant their editorials and news reports in favor of the Chinese Communist regime and against the West.

The overseas Chinese population, Mr. Chang explained, has had no direct contact with the oppression of the Peiping government, and actually regards with "pride" the power that their homeland has achieved.

Mr. Chang said that approximately 2,500 guerrillas still operate in Malaya despite the efforts of nearly 50,000 British troops to exterminate them.

RED CHINA AND THE FAR EAST

Dr. Chiu-Yuan Hu, adviser to the Chinese mission of the General Assembly of the United Nations, reported to the committee that the Chinese Communists have physically exterminated 20 million human beings since they took over the mainland of China in 1948; that some 25 million more Chinese are in prison, brainwashing schools or in slave-labor camps; that Chinese youth from kindergarten to the university are being taught to hate America by what is known as the three-look movement—look to America with hatred; look to America with contempt; look to America with superiority.

Dr. Hu is a professor of modern history at the National University in Formosa, and his testimony is based on an extensive system of contacts which he has been able to maintain with sources of information inside Red China.

Dr. Hu ridiculed the claim, often advanced by advocates of recognition of Red China, that the Communists had established "effective control" over the mainland. He said that the Chinese Reds themselves in their radio broadcasts, as well as printed material, quote statistics on hundreds of thousands of "counterrevolutionary bandits" having been exterminated. Dr. Hu testified that this could only mean that there are military operations, guerrilla warfare, and widespread resistance in extensive areas throughout China.

Dr. Hu also testified that the annual export of narcotics from Red China is steadily increasing and is estimated at 1,500 tons for 1956. This tremendous amount of narcotics is sold all over the world, and the money realized is immediately converted within the same country into subversive channels, thus effectively removing from police detection the sources of funds used by local Communists.

Dr. Hu described as wishful thinking the notion that the Chinese Red leadership might, at some time in the future, become independent of Moscow. He stated that all the leading Chinese Communists had been trained in Moscow and that the Chinese Communist Party is the only Communist Party which has never had a schism, split, or any serious deviation from the line as laid down by the Kremlin.

Dr. Hu estimated that there were some 50,000 Soviet advisers, technicians, and experts in Communist China today helping the Reds develop their industrialization and militarization programs. He also said that the Soviets had an iron grip on strategic resources, including oil and uranium in the provinces of Sinkiang, Mongolia, and Manchuria and that Manchuria is being developed by Russia and Red China into a gigantic military buildup area for future use against South Korea and Japan.

RED TERROR IN HUNGARY

Two leaders of the Hungarian revolution who are now in the United States, declared that Hungary today is in the grip of a "reign of terror" imposed by the Red Army and Hungarian security troops.

The witnesses, Sandor Kiss and Janos Horvath, fled from Hungary to escape arrest after Red Army reinforcements crushed the uprising in November 1956. Mr. Kiss is secretary general, and Mr. Horvath a member, of the executive committee of the newly formed Hungarian Revolutionary Council, comprised mainly of Hungarian freedom fighters.

"The present situation in Hungary is one of terror, of people being taken to prison and torture chambers and being executed virtually without a hearing," Mr. Horvath declared.

In addition, he said, the number of unemployed has risen to around 350,000 and many of these are actually starving. Mr. Horvath estimated "conservatively" that between 40,000 and 50,000 Hungarians had been deported to the Soviet Union after the suppression of the revolution.

Mr. Kiss estimated that between 15,000 and 20,000 people were killed in the uprising, in contrast to the official report of only 1,800 deaths. "Most of these," Mr. Kiss added, "were people who gave themselves up with the understanding that they might be pardoned and then were ruthlessly murdered by the Hungarian Government and the Soviets."

"In the town of Miskole in the northwestern part of Hungary", he said, "56 people were summarily executed for participation in the revolution. In nearby Eger, 23 were executed." The toll in some other towns, he said, included 17 in Salgotarjan; 19 in Pesterzsebet; 20 in the Bakony Forest, one of the resistance centers; and 11 in the mining district of Komlo. Similar executions were carried out in almost every town and village throughout the country by the Red Army, he declared.

Most of the casualties of the fighting, Mr. Horvath declared, were "peaceful bystanders." Between 500 and 600 people, he said, were killed in a period of a half hour as they watched a battle before the Parliament building in Budapest. Among them were a number of children.

"Actually," Mr. Kiss stated, "it is an error to consider the uprising and subsequent Soviet intervention an internal affair. In reality it was a 'Soviet-Hungarian war'." He continued:

On the 23d of October in a matter of 3 hours Hungary won its freedom. Ninety-nine percent of the people agreed that communism and Soviet domination must be ended * * *. The heroism of the youth worked a modern miracle. The Hungarian people took up the fight and in 5 days from October 24 to 29, they conquered the Soviet Army that was arrayed against them.

Mr. Kiss and Mr. Horvath stated that the Soviets were originally prepared to recognize the regime established by Imre Nagy and decided to invade Hungary only when the "vacillation and inactivity of the U. N." indicated that they could do so without risking reprisal from the rest of the world.

"If the U. N. had succeeded in sending an observer team into Hungary and had championed the cause of the Hungarians, this would have been of great benefit because it would have meant that the U. N. and the Western World recognized Hungary's right to self-government, freedom, and independence," Mr. Kiss declared.

"The Hungarians today feel that the free countries of the world betrayed them," Mr. Horvath declared. "This is the feeling of the Hungarian people. That I want to emphasize."

COMMUNIST CONQUEST OF THE BALTIC STATES

Dr. August Rei, former President of Estonia, testified that the Kremlin has converted the conquered Baltic States into a vast staging area for a future world war.

There are approximately 100,000 Soviet soldiers stationed in Estonia today, Dr. Rei stated, and about an equal number in Latvia and Lithuania. In addition, he said, the Soviets have established a network of guided-missile-launching stations in the area. The Kremlin, he said, considers the Baltic countries "the starting point for an aggression against the Western World."

Dr. Rei held the posts of President, Prime Minister, and Foreign Minister of the Estonian Republic at various times between 1918 and the Second World War. He escaped to Sweden from the Soviet Union in 1940, at the time the Kremlin occupied his country during its collaboration with Nazi Germany. Dr. Rei is head of the Estonian Government in Exile and chairman of the Estonian National Council,

composed of representatives of various Estonian political groups who were forced to flee when Estonian statehood was extinguished by the Red Army.

The militarization of the three former independent nations of Estonia, Latvia, and Lithuania, Dr. Rei declared, has been accompanied by wholesale liquidations of the native population. More than 170,000 of the total Estonian population of 1,200,000 fell victim to the Soviet program of mass murder and deportations after the seizure of the country by the Kremlin.

Before the outbreak of war between Germany and the Soviet Union, he said, 59,900 were deported, some 33,000 were conscripted into an Estonian Red Army Corps, and another 1,715 were executed.

After World War II, when the Russians returned to Estonia, another 80,000 farmers and young men were deported. Altogether, he said, the Soviets conducted four waves of deportations.

Estonia today, Dr. Rei declared, has been reduced to a Soviet colony. All of the national resources are being exploited for the benefit of the Soviet Union and the satellite bloc. Transmission lines, for example, carry natural gas and electric current from Estonia to the Soviet Union, but almost no power at all is available for Estonian cities.

Dr. Rei cited the Soviet seizure of Estonia as an example of the real value of Kremlin treaties of peace and nonaggression. In 1933, he recounted, Estonia and the Soviet Union had signed an ironclad agreement renouncing the employment of force against one another. In 1939, following the pact between Hitler and Stalin, the Soviet Government, with the threat of armed invasion, forced Estonia to accept a new treaty which provided for stationing Red Army "protective forces" at various bases inside its Baltic ally. The following year the Soviets, on the pretext of "suppressing anti-Soviet activities," inaugurated a complete occupation of Estonia, together with Latvia and Lithuania, and set up a puppet government backed by the Red Army.

The program of arrests and terror, Dr. Rei noted, was carried out under the service of Gen. Ivan Serov, today the chief of the Soviet Union Secret Police.

THE COMMUNIST TRADE OFFENSIVE

Three economic experts testified that trade with the Soviet Union and other Communist nations is a one-way street that can lead only to the ultimate destruction of the United States economy.

The witnesses were Anthony J. Marcus, president of the Institute of Foreign Trade in New York; Christopher Emmet, author and radio commentator; and Dr. Nicolas de Rochefort, formerly a lecturer at the American University in Washington. All three were unanimous in their view that international trade is merely another weapon in the Communist arsenal.

"Trade with the Red bloc would be ruinous to the United States and all free nations," Mr. Marcus testified.

"From the very beginning the Soviet Union started to use trade as a weapon to harm their non-Communist adversaries. They will buy and sell to people where they can get the greatest advantage—not in money, but in infiltration, subversion, and the stealing of technological know-how.

"If they can cripple American foreign trade, which now amounts to \$26 billion a year, they will have accomplished their goal without a shooting war," he declared.

Mr. Marcus pointed out that it is impossible to differentiate between strategic trade and nonstrategic trade. "Because of the Communist mind (and economy), everything from a pin to a jet bomber is strategic, because it means a saving in materials and labor which can be diverted to more necessary or strategic use in the country."

THE PRESENT POSTURE OF THE FREE WORLD

Constantine Brown, one of America's most authoritative news analysts, warned that "Communist influence and Communist prestige is increasing beyond the fondest hopes of the men of the Kremlin."

Mr. Brown, who conferred with the committee after completing a global visit to key sources of conflict between East and West, declared that the threat to the Free World from communism is "increasing considerably."

Mr. Brown, foreign news analyst and syndicated columnist in many leading American newspapers, gave this summary of his interpretation of current developments in the countries of his itinerary:

SPAIN

Spain is extremely friendly to the United States and the only country in Europe willing to risk everything in its fight against communism.

EUROPE

France is a frustrated country of complete political chaos, but communism is definitely on the decline. The French people have concluded that they cannot be dictated to by Moscow Communists. In France there is a marked trend toward nationalism.

Western Europe, in my opinion, is indefensible. We have in Europe hundreds of thousands of American dependents and employees who would have to be evacuated in case of war. The presence of these thousands of women and children will create chaos worse than any commander has ever experienced.

MIDDLE EAST

Western influence in the Middle East has never been lower. The Arabs have one hatred, the hatred not necessarily of any man of the Hebrew faith, but of Zionism and of the Israel Republic. Since we are committed to uphold that sovereign state, it will be difficult for us to reconcile the Arabs who admire the Soviet anti-Israeli attitude.

International communism is winning (in the Middle East) unless we can stop it.

FAR EAST

We have performed diplomatic miracles by keeping Communist China out of the United Nations. The Red Chinese leaders know, from listening to some United States Senators or reading some American press articles, that the present status quo cannot continue for long. If Red China is admitted or recognized (by the United States of America), it will have a devastating effect on the whole Far East.

JAPAN

* * * if America continues to give indication of weakness in international affairs, it is in the cards that you will have in Japan a government which will resume complete diplomatic, economic, and cultural relations with Communist China.

SECTION VII

WHO ARE THEY?

Present-day leaders of the international Communist empire, in the course of their careers of murder and terror, have deliberately destroyed more men, women, and children than comprise the total population of the Eastern United States. The records of these men were published by the committee during the past year in a series entitled "Who Are They?"

The keynote of the committee's publications was a maxim of the American philosopher, Ralph Waldo Emerson:

Don't Say Things. What You Are Stands Over You the
While, and Thunders So That I Cannot Hear What You Say
to the Contrary.

Since the death of Stalin and the ascent of the current leadership of the Kremlin, Emerson's words, the committee found, seem to have lost their pertinence. The sweet reasonableness of Khrushchev and his colleagues, coupled with an eager willingness of many quarters of the free world to believe them, appear to have rebutted both Emerson's commonsense and our own experience.

Even some leaders of the United States have demonstrated repeatedly their receptivity to the Kremlin's persuasion and their heedlessness of the lessons which international communism has dispensed with barbarous cruelty.

What the Kremlin stands for thunders throughout the free world, but the words of international communism's rulers have been able to dim the sound.

Despite the savage suppression of the Hungarian revolution; despite the slave camps and secret-police terror in the Soviet Union and throughout its satellites; despite the collapse of the recent disarmament talks: the rulers of communism can still find an audience for their hypocritical avowals of peace.

NIKITA KHRUSHCHEV

Nikita Khrushchev and Nikolai Bulganin, whose careers were portrayed in the first of the committee's publications, have participated in the Communist program of aggression from its very beginning. Although they rebutted the crimes of Stalin, the fact emerges that they served as Stalin's willing instruments.

Because of his insistent attempts to subdue Ukrainian national consciousness and desire for self-determination, Khrushchev is among the men most hated in the Soviet Ukraine. He had been chosen twice—before and after World War II—to implement the sovietization of the Ukraine. In carrying out this assignment, he was as systematic as he was ruthless. His first target was the Ukrainian intelligentsia, whose members were accused by the Communists of trying to separate the Ukraine from the Soviet Union and to preserve the traditional Ukrain-

ian culture. "We have destroyed," he declared in 1938, "a considerable number of enemies, though not all." Toward the end of the war, Khrushchev resumed his repressive policies in the Ukraine, exercising for 3 years a virtual one-man dictatorship subject only to the control of Stalin.

Khrushchev is a sworn enemy of the democratic form of government and the American way of life. He reviles this country as being devoid of political freedom and economic stability and ruled by a handful of greedy capitalists who enslave the working people. He and his fellow Communists are driven by the desire to outdistance the United States, the most advanced and powerful capitalist country. His fanatical belief in the superiority of the Communist system leaves no doubt in his mind that, whether there be peace or war, the ultimate communization of the world is certain to arrive.

NIKOLAI BULGANIN

Bulganin began his political career as an efficient officer of the infamous Cheka, the initial version of the dreaded Soviet Secret Police. The Cheka was the main instrument of the Red terror waged by the newly established Bolshevik rulers against real and imaginary opponents of the Communist regime. In this capacity, he showed great zeal in jailing and sending to death the so-called "enemies of the people" and in suppressing a revolt of workers in his own hometown. Later, Bulganin was sent to central Asia, where he rounded out his ignominious career in the Soviet Secret Police with the assignment of destroying the spirit of independence and the religious beliefs of the Moslems in the U. S. S. R.

Twenty years later, Bulganin played a conspicuous role in plotting against freedom, this time in Poland and Czechoslovakia. He was the moving spirit behind the so-called Polish Lublin Committee of National Liberation—"the faceless, renegade Polish Communists and Russian citizens"—serving as a tool of the Kremlin's plans for the communization of Poland and as a medium of counteracting the Free Polish Government in exile in London. In the summer of 1944, during the march of the Red Army on the Polish capital, Bulganin was instrumental in the decision to refuse military assistance to the Polish patriots in Warsaw, who had risen in arms against the Nazis. As a result, the Red Army was made to stand by idle while the brave Polish underground army, under Bor-Komorowski, was hopelessly outnumbered and decimated by the Nazi military forces.

At the end of the war, Bulganin vigorously promoted the Sovietization and Russification of Poland and of other parts of east-central Europe. On several occasions, he paid personal visits to Prague, serving as an important link in the Soviet conspiracy which forced Czechoslovakia to become another Soviet satellite.

Bulganin has a record of ruthlessness in achieving his goals. Rude to his subordinates, he tolerates neither criticism nor opposition. Like the other Kremlin chiefs, Bulganin is bent on the disruption of the Western alliance as the initial step toward the destruction of the American way of life.

MAO TSE-TUNG

Mao Tse-tung, Chairman of the People's Republic of China, began his service to the Kremlin with the organization of peace associations in Hunan and Kiangsi Provinces of China in 1927. Step by step he built up his military strength behind the facade of a program of moderation, supposedly representing a reasonable program of the progressive, social, and political action.

He formed "spear corps" of farmworkers armed with home-made weapons to capture the arsenals of the landlords' private armies. With the weapons he obtained he built up his own army and expanded into other provinces. The landlords and local gentry were imprisoned, banished, and, finally, shot. And, as time went on, the range of people subject to execution constantly widened in scope.

In the long struggle that developed between the Communist forces and the Chinese Nationalist Government, Mao's role was predominantly that of planning political strategy, of drafting blueprints for the future state, and of warping the minds of the masses; of no less importance was his role in designing Communist guerrilla tactics.

He missed no opportunity to strengthen his power. Thus, in 1936, when Chiang Kai-shek was kidnaped at Sian Fu, Mao intervened to secure Chiang's release. But Mao obtained his price: the penetration of Communists into the Central Government, the opportunity to expand into North China, and the strengthening of his armed forces and the weakening of Chiang's.

After the defeat of Japan in 1945, Mao, while pretending to disassociate himself from the Soviet Union and maintaining the appearance of cooperation with Chiang Kai-shek, built up his armies in Manchuria with captured Japanese arms turned over to him by the Soviets. As his soldiers marched southward in 1949, masses of the Central Government's troops defected in response to Mao's propaganda, which promised new freedom, representative government, land and bullocks for the peasants, and high salaries for the intellectuals.

At last, on October 1, 1949, Mao proclaimed the People's Republic of China in Peking. Since then the world has witnessed the contradiction between Mao's words and the horrors of his deeds. The Chinese who looked to Maoism as the gateway to a "New China" were now crushed by the reality of China in the merciless grip of communism.

CHOU EN-LAI

Chou En-lai, who shares power with Mao, has long proved himself a fanatical and dedicated Communist. His reliance on force is clearly shown in his early career as a Communist leader. Made a member of the Central Committee of the Chinese Communist Party in 1926, he organized and led a revolt of 600,000 workers in Shanghai the next year, and seized the city after bloody fighting. He headed riots and fighting in Nanchang and in Canton, and organized underground movements in an attempt to overthrow the legal authorities in Hong Kong, Canton, and Shanghai.

Chou's techniques of deceit are illustrated by his activities just after the war with Japan. At this time, Chiang Kai-shek's armies were much stronger than those of the Communists; although possessing captured Japanese weapons that the Soviets had turned over to them,

the Communists desperately needed time to build up their forces. Chou En-lai, who had conducted such negotiations before, was assigned to obtain an armistice and thus provide a breathing spell; through delays under various pretexts and through false promises he managed to have hostilities suspended just long enough for the Communists to prepare their attack.

After the Communist armies had overrun most of China, the Chinese "People's Republic" was proclaimed in 1949, and Chou En-Lai was given the high posts of Premier and Foreign Minister.

His internal policy was characterized by close cooperation in Mao Tse-tung's policy of ruthlessly exterminating millions of real and imagined opponents. With his usual efficiency, Chou effected thought control, suppressed liberties, and undermined Chinese culture and tradition.

MARSHALS ZHUKOV AND KONEV

In the biographies of Marshals Georgi Zhukov and Ivan Konev, the committee forecast the struggle for power within the Kremlin that culminated only a few weeks later in the abrupt demotion of Marshal Zhukov as Minister of Defense and membership in the Presidium of the Soviet Communist Party. The information obtained by the committee indicated that the struggle within the Soviet Union had to be interpreted basically in terms of the shift in importance in the military leadership and their widening conflict with the political leadership of the Kremlin.

The military contributed to Malenkov's fall in 1954, when strong differences inside the Soviet Supreme Council over heavy industry versus consumer production aroused the wrath of the top military commanders. Thereafter, the Zhukov group backed Khrushchev in his removal of Molotov, Malenkov, and Kaganovich, the "old Bolsheviks." Later, however, Zhukov himself was demoted as Khrushchev moved to brake the growth of the Army as a political power.

WALTER ULBRICHT AND JANOS KADAR

The first of sketches of Communist leaders outside the Soviet Union dealt with Walter Ulbricht, first secretary of the Socialist Party of Soviet-occupied East Germany, and Janos Kadar, Premier of Communist Hungary.

Ulbricht has been a protagonist of Soviet terror almost since the day that the Kremlin embarked upon its program of world conquest. A free, unified Germany is impossible as long as he holds power. Kadar has proved himself as another loyal servitor of the Communist conspiracy. Tens of thousands of butchered and enslaved Hungarians owe their fate directly to his eager collaboration with the Red columns that ground out his country's brief flame of freedom last fall.

"The careers of Ulbricht and Kadar prove that there is no hope of dealing honorably with men for whom honor has no meaning," the committee noted.

Equipped with an indefatigable capacity for work and an uncanny ability to sense coming policy changes, Ulbricht represents a dangerous and relentless enemy of America and all that America stands for. He has an amazing record of survival through the years, coming out alive from Hitler's persecution of the Communists, the purges under Stalin, the vicissitudes of World War II, the postwar executions of

East European Communist leaders, and Khrushchev's drive against Stalin and "Stalinists," as well as outliving revolt and mass discontent among the people he rules. This record bespeaks a remarkable ability to adjust cynically his thinking and behavior to the needs of the moment. Almost alone among European Communist dictators, Ulbricht has maintained his position since World War II.

There are few fields in East Germany in which Ulbricht has not imposed subservience to the Soviet Union. He has ordered servile imitation of the Soviet Union in the fields of science, linguistics, and education, in the theater, art, architecture, and in sports. He has made the entire organization of the East German state a miniature replica of the Soviet Union. The magnitude of the popular discontent with the Ulbricht regime became evident when the revolt of the people of East Berlin in June 1953 spread like wildfire to the Soviet Zone. This first major insurrection against a Soviet-sponsored puppet government was ruthlessly suppressed by Soviet armed power, after the local "people's" police proved incapable of coping with the situation.

Kadar is a compelling example of a Communist quisling and the master of the double cross. It was Kadar who almost alone can claim credit for having betrayed his countrymen in the suppression of the Hungarian revolution last year. Sometime during the early morning of November 4 Kadar established a new pro-Soviet Government at Szolnok. At daybreak Soviet troops poured into the Hungarian capital, and in a war of suppression remarkable for its ruthlessness and barbarity, 32,000 persons were killed and parts of the once-beautiful city of Budapest were reduced to rubble. The Hungarian movement for freedom was broken.

In the spring of 1957 Kadar strengthened the ties binding his country to the Kremlin on a visit to the Soviet capital. Upon returning from his 10-day "consolidation conference" in Moscow, he proclaimed that the Soviet Army would remain in Hungary indefinitely; that the "proletarian dictatorship" would be strengthened; that "counter-revolutionary" forces would be exterminated; and that the battle against "class enemies" would be intensified. In Moscow Kadar also entered an economic agreement with the Soviet Government for financial aid and supplies of raw materials. This, together with the political understanding, bound the Hungarian nation even closer to the Soviet masters.

"A tiger cannot be tamed by bait," he said in an allegorical reference to the Hungarian people at the height of the suppression. "It can be tamed and forced to peace only by beating it to death."

MARSHAL TITO AND WLADYSLAW GOMULKA

The biographical information as presented by the committee on Josip Broz Tito of Yugoslavia and Wladyslaw Gomulka, Premier of Poland, took on particular significance in view of the action of the White House and the State Department in designating Poland and Yugoslavia as potential allies of the United States and approving the extension of considerable aid to those nations.

Before, during, and after World War II, Josip Broz Tito has invariably shown himself to be a dedicated Communist. A powerful ideological affinity binds him firmly to his Communist brethren. During

the last few years, in fact, he has clearly moved closer to a political alinement with Moscow. Tito's general philosophy of life, the nature of his own regime, and his inflexible commitment to communism all militate against a lasting rift with the Kremlin.

Gomulka has consistently affirmed his solidarity with the Soviet Union. Tito has been serving, and serves today, as a traveling salesman for Moscow whose mission it is to lure neutral nations into the Soviet orbit. Both nations are instruments of Soviet aggression; their leaders have consistently declared that they will remain so. Besides these facts, squabbles about so-called divergent approaches to "world socialism" are of only academic importance, and at most offer a snare for the gullible.

Gomulka's ties to communism have been demonstrated throughout his life. During the interwar period, he was a professional organizer and agitator for the Communist Party and was arrested several times. During the Nazi occupation of Poland, he did not oppose the Nazi-Soviet Pact which divided Poland in two; and only later, after the U. S. S. R. was attacked, did he become active in the Communist underground. Up to 1948, Gomulka was one of Communist Poland's most powerful men. He helped thwart the wartime agreements made to ensure free elections in Poland, and thus was a principal instrument in imposing Communist rule. He was also one of the organizers of the notorious Cominform. All this time, he supported and praised Stalin and faithfully carried out his orders.

KIM IL SUNG (NORTH KOREA) AND HO CHI MINH (NORTH VIET-NAM)

Two other instruments of international communism in Asia are Kim Il Sung, Premier of Communist North Korea, and Ho Chi Minh, President of North Viet-Nam. Both Kim Il Sung and Ho Chi Minh have demonstrated the real nature of communism through the aggression that they launched in Indochina and Korea. Through their acts the peaceful blandishments of the Kremlin can be translated into specific facts: 35,000 American lives lost in Korea and another 140,000 wounded; hundreds of thousands of French casualties in Indochina.

Both Kim Il Sung and Ho Chi Minh have served as Moscow's vanguard of military conquest. Both participated in endless discussions looking toward a negotiation of their political programs with the free world, and finally plunged into war to achieve their ends.

MAURICE THOREZ (FRANCE) AND PALMIRO TOGLIATTI (ITALY)

Outside the present boundaries of Communist power, eager to lead their nations inside that orbit, are a group of Communist leaders in the West. The committee presented biographies of two of these, Maurice Thorez, head of the Communist Party of France, and Palmiro Togliatti, leader of Italy's Communists.

Both Thorez and Togliatti have been in the service of the Kremlin from their earliest youth. They have survived the many shifts and turns of Communist policy and sacrificed friends, associates, and principle whenever necessary. Above all, they have willingly betrayed their own country when this was found necessary to carry out the Kremlin's foreign policy. For anyone who believes that communism can compound itself of genuine patriotism, the records of Thorez and

Togliatti serve as convenient references. Both Thorez and Togliatti stand forth as agents of Soviet imperialism, not representatives of a true political movement dedicated to the interests of their countrymen. In the event of war, France and Italy, two of our allies, would find themselves sorely beset by the army of Communist agents and saboteurs commanded by these two men.



United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 13,327

LLOYD BARENBLATT, APPELLANT

v.

UNITED STATES OF AMERICA, APPELLEE

On reargument of appeal from the United States District Court for the District of Columbia pursuant to remand by the Supreme Court of the United States.

Decided January 16, 1958

Mr. David Scribner, of the bar of the Court of Appeals of New York, *pro hac vice*, by special leave of Court, with whom *Mr. David Rein* was on the brief, for appellant.

Mr. William Hitz, Assistant United States Attorney, with whom *Messrs. Oliver Gasch*, United States Attorney, *Lewis Carroll*, *John D. Lane* and *Harold D. Rhynedance, Jr.*, Assistant United States Attorneys, were on the brief, for appellee.

Before EDGERTON, Chief Judge, and PRETTYMAN, WILBUR K. MILLER, BAZLEON, FAHY, WASHINGTON, DANAHER, BASTIAN and BURGER, Circuit Judges.

BASTIAN, *Circuit Judge*: On January 3, 1957, this court affirmed the conviction of Barenblatt on the charge of contempt of Congress.¹ Petition for certiorari was duly

¹ 100 U.S.App.D.C. 13, 240 F.2d 875 (1957).

filed in the Supreme Court and on June 24, 1957, the following *per curiam* order was entered:²

"The petition for writ of certiorari in this case is granted. The judgment of the Court of Appeals for the District of Columbia Circuit is vacated and the case is remanded for consideration in light of *Watkins v. United States*, 354 U.S. 178."

The present opinion is written in obedience to the above order.³

The facts concerning this case are sufficiently stated in the opinion of this court dated January 3 and need not be repeated here. Also, we limit ourselves to the directions of the Supreme Court and consider only the impact of *Watkins* on the instant case, except that we have also weighed the applicability of *Sweezy v. New Hampshire*, *infra*.

The Supreme Court in *Watkins* held that the witness there was not accorded a fair opportunity to determine whether he was within his rights in refusing to answer the questions involved and therefore his conviction was invalid under the Due Process Clause of the Fifth Amendment; and that no clear understanding of the question under inquiry could be gathered from the resolution setting up the Standing Committee on Un-American Activities, from the action of that Committee in authorizing the creation of the Subcommittee before which *Watkins* appeared, from the statement of the chairman at the opening of the hearings at which *Watkins* appeared, or from the statement of the chairman in response to *Watkins'* protest.

At the hearing before us on remand two points are mainly relied upon by appellant: First, it is claimed that

² 354 U.S. 930 (1957).

³ Although *Barenblatt v. United States*, *supra* note 1, was heard in this court before a division of three judges, we *sua sponte* determined to hear the case on remand *en banc*.

the opinion of the Supreme Court in *Watkins* struck down the resolution creating the Standing Committee on Un-American Activities (hereinafter referred to as the Committee), and that prosecution based on refusal to answer questions asked by the Committee or a Subcommittee questioning thereunder must necessarily fall in that the resolution on which the indictment is based fails to meet the requirements of due process; and second, assuming this was not the case, that part of the opinion in *Watkins* relating to pertinency is dispositive of the present case.

As to the first point, such infirmity of the resolution as may be said to exist does not affect the indictment and, in any event, is a matter of affirmative defense. It is quite true that the Supreme Court in no uncertain terms criticised the resolution creating the Committee for lack of specificity, for uncertainty, for vagueness, and the scope of the construction accorded to the resolution as acted upon by the members of the Committee and its Subcommittees. It would serve no useful purpose to review in detail all the criticisms directed by the Supreme Court to the resolution and the construction placed thereon by the Committee and its Subcommittees as they were constituted over the fifteen years of their existence; but in the margin are contained certain of the comments thereon by the Supreme Court.⁴

⁴ "It would be difficult to imagine a less explicit authorizing resolution." 354 U.S. 178, at 202.

". . . . An excessively broad charter, like that of the House Un-American Activities Committee, places the courts in an untenable position if they are to strike a balance between the public need for a particular interrogation and the right of citizens to carry on their affairs free from unnecessary governmental interference. It is impossible in such a situation to ascertain whether any legislative purpose justified the disclosures sought and, if so, the importance of that information to the Congress in furtherance of its

Against the background of its views so voiced, the Court considered, in terms presently relevant, the relationship of congressional investigating committees and the witnesses who appear before them. The opinion in *Watkins* clearly describes five criteria by which the pertinence of a question can be made clear to a witness (354 U.S. 178, 209, 211, 212, 213, 214): (1) the authorizing

legislative function. The reason no court can make this critical judgment is that the House of Representatives itself has never made it. Only the legislative assembly initiating an investigation can assay the relative necessity of specific disclosures." *Id.* at 205-206.

But the Court added:

"... Applied to persons prosecuted under § 192 [2 U.S.C.], this raises a special problem in that the statute defines the crime as refusal to answer 'any question pertinent to the question under inquiry.' Part of the standard of criminality, therefore, is the pertinency of the questions propounded to the witness." *Id.* at 208.

"... It is obvious that a person compelled to make this choice is entitled to have knowledge of the subject to which the interrogation is deemed pertinent. That knowledge must be available with the same degree of explicitness and clarity that the Due Process Clause requires in the expression of any element of a criminal offense. The 'vice of vagueness' must be avoided here as in all other crimes. *There are several sources that can outline the 'question under inquiry' in such a way that the rules against vagueness are satisfied. The authorizing resolution, the remarks of the chairman or members of the committee, or even the nature of the proceedings themselves, might sometimes make the topic clear.* This case demonstrates, however, that *these sources often leave the matter in grave doubt.*" *Id.* at 208-209. (Emphasis added.)

This indicates to us that it is possible for the Committee itself or the nature of the proceedings themselves "to make the topic clear," i.e., so to outline the question under inquiry as to satisfy the rules against vagueness. The Court found that *Watkins* had no such guide.

resolution, (2) opening remarks of the chairman, members, or counsel of the Committee, (3) the nature of the proceedings, (4) the questions themselves, and (5) the chairman's response to an objection on pertinency.

There are several reasons which we believe militate against the conclusion urged by appellant in this case that the resolution itself was struck down and that, consequently, the prosecution based on failure to answer questions propounded by the Subcommittee was fatally defective.

In the first place, we believe that if the Court had intended to strike down the resolution, it would have said so in so many words. It would not have left so vital an issue to inference or interpretation. The far-reaching result of such a holding would be that the Committee, established by action of the entire House of Representatives, would be rendered helpless and would not even be able to summon a witness, much less have him testify. Nothing less would be an immediate consequence. Certainly nowhere in the *Watkins* opinion does the Court use language essential to effectuate the result contended for by appellant and, on remand, there is no such direction to us to strike down the resolution or to hold invalid the indictment brought for failure to answer questions pertinent to the subject under inquiry. In the absence of a clear expression from the Court we do not take this position.

In the second place, had the Supreme Court struck down the resolution creating the Committee the matter would have been ended, without the further, extended discussion found in *Watkins*. We cannot assume the rest of the opinion to be, nor do we read it as, mere dictum. On the contrary, it is clear the Court was familiar with the present case as it is specifically referred to in note 34 of the opinion in *Watkins*. The Court certainly knew, therefore, that Barenblatt's conviction grew out of testimony taken under the same resolution. Moreover, it is

reasonable to assume that, had the resolution under which both Watkins and Barenblatt were questioned been stricken in its entirety, this case would have been reversed on authority of *Watkins* rather than remanded for consideration "in light of" that opinion. We read *Watkins* as demonstrating the necessity of more than ordinary caution in upholding First Amendment rights of individuals who are summoned before committees or subcommittees which operate under resolutions infected with the vagueness criticized in *Watkins*.

We do believe that the Supreme Court was of the opinion that the vagueness of the resolution made it necessary, and only fair, that the witness be apprised of the particular matter under inquiry by the Committee or Subcommittee holding the hearings, and, on objection, of the pertinency of the questions involved in the inquiry.

Thirdly, the Supreme Court cited in *Watkins* a number of cases, both in that Court and in Courts of Appeals, bearing on convictions sustained under the same resolution.⁵ There is no suggestion that those decisions were repudiated or that their reasoning was erroneous. One finds no intimation that the cases should have been decided by the simple process of voiding the resolution establishing the Committee. We are of clear opinion that *Watkins* did not void H. Res. 282, 75th Cong., 3d Sess., or H. Res. 5, 79th Cong., 1st Sess.

Apart from our present review in light of *Watkins*, we have reconsidered the case also in light of *Sweezy v. New*

⁵ See, among others *Quinn v. United States*, 349 U.S. 155 (1955); *United States v. Bryan*, 339 U.S. 323 (1950); *Barsky v. United States*, 83 U.S.App.D.C. 127, 167 F.2d 241, cert. denied, 334 U.S. 843 (1948), rehearing denied, 339 U.S. 899 (1950); *United States v. Josephson*, 165 F.2d 82 (2d Cir. 1947), cert. denied, 333 U.S. 838, rehearing denied, 333 U.S. 858, motion for leave to file second petition for rehearing denied, 335 U.S. 899 (1948).

⁶ *Watkins*, notes 35, 36.

Hampshire, 354 U.S. 234 (1957). Appellant argues that there the Court emphasizes by analogy the fallibility of the resolution creating the Committee. Sweezy refused to answer questions in the course of an investigation by the State Attorney General acting under a resolution of the State Legislature relating to subversive activities. The Supreme Court there held that the investigation had deprived Sweezy of due process of law under the Fourteenth Amendment, and concluded that the record did not sustain the power of the State of New Hampshire to compel the disclosures that the witness refused to make. At the outset of the hearing, Sweezy had raised the question of pertinency as well as the question of violation of First Amendment rights. The Court further pointed out that there was no assurance that the legislature wanted answers to certain questions asked by the Attorney General, to whom the legislature had delegated the duty of making the investigation.

We think that *Sweezy* does not compel us to hold, under the circumstances of the instant case, that any of appellant's constitutional rights were violated.

In the *Watkins* case, having held that the resolution was not sufficiently specific, standing alone, to advise the witness of the question under inquiry, or at least having expressed doubt, the Supreme Court considered whether the statement of the chairman of the Subcommittee was sufficient to apprise Watkins of the matter under inquiry and whether, when Watkins objected to the questions on the ground of pertinency, the chairman's response was adequate to convey sufficient information on this point. The Court observed that that statement was nothing more than a paraphrase of the resolution itself and gave Watkins insufficient information concerning the subject under inquiry. The investigation there was in connection with communist infiltration in labor and the Court found that a majority of the witnesses were not connected with labor at all, and that seven of the thirty persons whose names

were propounded to Watkins had no such connections. The Court wrote that the "inference becomes strong that the subject before the Subcommittee was not defined in terms of communism in labor," and concluded that the question under inquiry was not adequately revealed to Watkins when he had to decide, at his peril, whether or not to answer. The Court declared that "fundamental fairness demands that no witness be compelled to make such a determination with so little guidance."

The Watkins situation is a far cry from that of Barenblatt. The record here discloses that at the opening of the hearings before the Subcommittee on February 25, 1953, the chairman made a statement of the purpose of the inquiry, the concluding part of which reads as follows:

*"[T]he objective of this investigation is to ascertain the character, extent and objects of Communist Party activities when such activities are carried on by members of the teaching profession who are subject to the directives and discipline of the Communist Party."*⁷
(Emphasis added.)

Comparison of this statement with the initial statement of the chairman discussed in the Watkins case, found by the Court to be insufficient, suggests a like infirmity. So regarded, we put aside the chairman's statement as a factor even though the fact that Barenblatt had prepared his statement as to his objections to the jurisdiction of the Committee (*infra*, pp. 10, *et seq*) indicates that he quite well knew the nature of the hearing.

We examine the record then from other approaches. It appears that Barenblatt was summoned to appear before the Subcommittee at 10:30 A.M. on June 28, 1954, and that the session was called to order at 10:37 A.M. It may be presumed that Barenblatt was then present since there is no suggestion that he failed to obey the subpoena.

⁷ The entire statement is quoted as an appendix to the opinion of this court dated January 3, 1957.

At no time during the present hearing, or in the District Court, was it claimed that Barenblatt was not present when committee counsel, that day, made his statement as to the purpose of the hearing. As a matter of fact, it is not denied even at this time that Barenblatt was then present. In addition also is the fact that Barenblatt testified that he had heard the testimony of Crowley, the first witness called.

Included in the statement of committee counsel at the June 28, 1954, hearing was the following:

"The field covered will be in the main communism in education and the experiences and background in the party by Francis X. T. Crowley. It will deal with activities in Michigan, Boston, and in some small degree, New York."⁸

The question under inquiry was clearly indicated to the witnesses that day. From what we have said, as well as from what follows in his own testimony, it may fairly be inferred that Barenblatt was present and received the same information.

The next standard discussed by the Supreme Court is the nature of the proceedings. Barenblatt testified the same day as did Crowley, who identified him (Barenblatt) as a member of the Haldane Club of the Communist Party at the University of Michigan. Some of the other witnesses who testified were members of the Communist Party and others, including Barenblatt, were charged with being members of the Communist Party while at the University of Michigan several years before the hearings. All questions related to communist activity at the university, and it is clear that Barenblatt had knowledge that this was the subject matter being inquired into. We are of opinion that the nature of the proceedings, which Barenblatt personally observed, clearly indicated to him the question under inquiry.

⁸ 240 F.2d at 881, note 8.

The next standard discussed by the Supreme Court was the nature of the questions as put.⁹ Here, Barenblatt was asked specifically about his membership in the Haldane Club of the Community Party while he attended the University of Michigan and was a student of the University of Michigan Council of Arts, Sciences, and Professions. These questions, and the balance of the questions forming the basis of the indictment, viewed in the light of what the committee counsel had said and Crowley's preceding testimony, all in Barenblatt's presence, made indubitably clear to Barenblatt the nature of the subject under inquiry to which the questions were directed.

The record of the hearing, at which Barenblatt appeared and during which the questions in controversy were asked, is devoid of any objection interposed on the ground of pertinency. Indeed, every indication is that he came prepared to refuse to answer any questions of moment—pertinent or not. He appeared before the Subcommittee accompanied by counsel and armed with an eleven-page prepared, written statement entitled "Objections to Jurisdiction of the Committee on Un-American Activities and to Questions Propounded by It," objecting "not only to the jurisdiction of the committee, but also to the questions propounded by it. This objection [the statement continues] is made upon advice of counsel as to my rights as provided for in rule VII of the rules of procedure of this committee. Counsel who appear for me are Philip Wittenberg and Irving Like of 70 West 40th Street, Borough of Manhattan, New York City."

The statement can best be described as a lengthy legal brief attacking the jurisdiction of the committee

⁹ The Supreme Court in *Watkins* said (p. 213): "The most serious doubts as to the Subcommittee's 'question under inquiry,' however, stem from the precise questions that petitioner has been charged with refusing to answer. Under the terms of the statute, after all, it is these which must be proved pertinent."

to ask appellant any questions or to conduct any inquiry at all, based on the First, Ninth and Tenth Amendments, the prohibition against bills of attainder, and the doctrine of separation of powers. This brief cited more than twenty Supreme Court decisions, some of which do not concern the congressional power of investigation; and, in several instances, dissenting opinions were cited. Included in this statement are the following:

"1. I, Lloyd Barenblatt, having been subpoenaed before the Committee on Un-American Activities, by subpoena dated the 28th day of May 1954, returnable on the 28th day of June 1954, hereby respectfully object to the power and jurisdiction of this committee to inquire into—

- (a) My political beliefs;
- (b) My religious beliefs;
- (c) Any other personal and private affairs;
- (d) My associational activities.

"2. I am a private citizen engaged in work in the fields of education and research, and in writing and speaking in connection therewith. I hold no office of public honor or trust. I am not employed by any governmental department. I am not under salary or grant from any governmental department.

"3. The grounds of my objection are as follows:

"A. Any investigation into my political beliefs, my religious beliefs, any other personal and private affairs, and my associational activities, is an inquiry into personal and private affairs which is beyond the powers of this committee.

* * * *

"D. Under our Constitution our Government is a government of limited powers, tripartite in form, consisting of the legislative, the judicial, and the executive. This separation is fundamental to the preservation of the rights of the people in order that no one department may, through its power, rise to become a despotic arbiter. This committee through this investigation into my political, associational, re-

ligious, and private affairs trespassed upon the judicial department and has caused a lack of balance of power which constitutes a threat to my liberty as an American citizen and is an unconstitutional usurpation.

* * * *

"This committee, by compelling me to leave my ordinary pursuits and to attend before it for the purpose of testifying with regard to my political beliefs, my religious beliefs, other personal and private affairs, and my associational activities, is acting as a judicial indicting and accusatory power. It is intruding into the judicial sphere and is following a practice which closely parallels the practices which resulted in bills of attainder being prohibited by our Constitution (art. I, sec. 10).

* * * *

"Upon all the grounds aforesaid I object not only to the jurisdiction of this committee, but also to the questions propounded by it. This objection is made upon the advice of counsel as to my rights as provided for in rule VII of the rules of procedure of this committee."

To indicate the length to which the Subcommittee went to indicate to Barenblatt the pertinency of the questions, even though the question of pertinency was not raised by him, we quote from the record of Hearings before the Committee on Un-American Activities, House of Representatives, 83rd Congress, 2d Session, Communist Methods of Infiltration (Education—Part 9, pp. 5813-14):

"Mr. Doyle [Representative Doyle]. Mr. Chairman, I think the record should show that at this time there are pending before the United States Congress several active bills dealing with the question of subversive activities, dealing with the question of the Communist Party, dealing with the question of the responsibility that we have as a congressional committee under Public Law 601.

"I am sure that is the record, and I would like

the record of this hearing of this committee to especially show it—

“Mr. Velde [Representative Velde]. Yes, I think—

“Mr. Doyle (continuing). And that this witness and these other witnesses could help us in line with our Public Law 601 responsibility to have hearings with reference to recommendations for legislation in this area under Public Law 601 in accordance therewith.

“Mr. Velde. I concur with you, Mr. Doyle, and I wish to further state that the record should show that the evidence or information contained in the files of this committee, some of them in the nature of evidence, shows clearly that the witness has information about Communist activities in the United States of America, particularly while he attended the University of Michigan.

“That information which the witness has would be very valuable to this committee and its work.

“It is the opinion of the committee, at least the Chair, that the committee has a constitutional legal right in all ways and forms and means to get the information which has been requested from the witness.”

Whenever appellant was asked a question which he refused to answer, he asked permission, or attempted without permission, to read the prepared statement. That statement, which was inserted in the record of the hearing at which Barenblatt testified, in no way indicates that he had any doubt as to the subject under inquiry or as to the pertinency of the questions asked. On the contrary, everything points to Barenblatt's knowledge of the subject and his knowledge of the pertinency of the questions asked. Refusal to answer was based on the broad grounds above set forth. He specifically disclaimed invoking the Fifth Amendment.

Applying the *Watkins* ruling to this case, it will be seen that there is decisive distinction between the two. In the present case the subject of the investigation was stated to be Communist Party activities within the field

of education. There was no attempt made to proceed with the hearing under a mere re-hash of the resolution creating the Committee. Here was far more than "a very general sketch of the past efforts of the Committee," as the Supreme Court said in *Watkins*.

While Watkins testified freely as to his own activities, he simply declined to identify members who he believed had perhaps innocently become members of or were closely connected with the Communist Party and who had subsequently withdrawn therefrom. Barenblatt, however, declined to answer either as to his own activities or the activities in general of the Haldane Club. He was represented by counsel, and presented written objections based generally on the jurisdiction of the Committee. His objections went to questions about his own activities and acts and were on specific grounds. Those objections are sufficiently described in our previous opinion.

We have considered the other questions raised by appellant on remand and which he says are material here in the light of *Watkins*. We think such other matters are sufficiently answered by the original opinion of this court, which by reference, for present purposes, is incorporated herein.

We are of opinion that, under the standards laid down for us by the Supreme Court, Barenblatt was made fully aware of the subject under inquiry and was in a position to judge the pertinency of the questions relating to that subject. We are further of the opinion that the questions were in fact relevant and pertinent to that subject.

In accordance with the direction of the Supreme Court, we have carefully considered *Watkins* and its impact on *Barenblatt*. Taking account of all circumstances as noted, and believing the cases are distinguishable as indicated, we affirm the judgment of conviction.

Affirmed.

EDGERTON, *Chief Judge*, whom BAZELON, *Circuit Judge*, joins, *dissenting*: A unanimous panel of this court decided that "the opinion of the Supreme Court in *Watkins v. United States* . . . requires reversal" of the conviction of Singer.¹ Barenblatt, like Singer, was convicted of refusing to answer questions of a subcommittee of the Un-American Activities Committee investigating Communists in the field of education. There is no difference pertinent to *Watkins* between Singer's case and Barenblatt's. I think this court errs in overruling our *Singer* decision.

I understand *Watkins* to hold that the Committee on Un-American Activities had no authority to compel testimony because it had no definite assignment from Congress. The Supreme Court said: "[W]hen First Amendment rights are threatened, the delegation of power to the Committee must be clearly revealed in its charter. [354 U.S. at p. 198] . . . An essential premise in this situation is that the House or Senate shall have instructed the Committee members on what they are to do with the power delegated to them. . . . [T]he responsibility of the Congress . . . to insure that compulsory process is used only in furtherance of a legislative purpose . . . requires that the instructions to an investigating committee spell out that group's jurisdiction and purpose with sufficient particularity. [p. 201] . . . It would be difficult to imagine a less explicit authorizing resolution. [p. 202] . . . Combining the language of the resolution with the construction it has been given, it is evident that the preliminary control of the Committee exercised by the House of Representatives is slight or non-existent. No one could reasonably deduce from the charter the kind of investigation that the Committee was directed to make. [pp. 203-4]

¹ *Singer v. United States*, — U.S.App.D.C. —, 247 F. 2d 535; reversing *Singer v. United States*, 100 U.S.App.D.C. 260, 244 F. 2d 349, which had affirmed *Singer v. United States*, 139 F. Supp. 847 (D.C.D.C.).

. . . The Committee is allowed, in essence, to define its own authority . . . [This] can lead to ruthless exposure of private lives in order to gather data that is neither desired by the Congress nor useful to it. . . . Protected freedoms should not be placed in danger in the absence of a clear determination by the House or the Senate that a particular inquiry is justified by a specific legislative need. . . . An excessively broad charter, like that of the House Un-American Activities Committee, places the courts in an untenable position [p. 205] It is impossible in such a situation to ascertain whether any legislative purpose justifies the disclosures sought The reason no court can make this critical judgment is that the House of Representatives itself has never made it. . . . Plainly these committees are restricted to the missions delegated to them, i.e., to acquire certain data to be used by the House or the Senate in coping with a problem that falls within its legislative sphere. No witness can be compelled to make disclosures on matters outside that area." [p. 206]

In summary: (1) The "instructions to an investigating committee [must] spell out that group's jurisdiction and purpose with sufficient particularity." (2) "It would be difficult to imagine a less explicit authorizing resolution No one could reasonably deduce from the charter the kind of investigation that the Committee was directed to make." (3) "No witness can be compelled to make disclosures on matters outside that area." Since Congress did not define that area, there can be no proof that the Committee's questions were within it. It follows that the defendant must be acquitted.

Even if, contrary to my clear understanding of *Watkins*, Congress did "with sufficient particularity" authorize the Committee to investigate something, it by no means follows that Congress authorized the Committee to investigate Communists in the field of education. Four Justices of the Supreme Court recently said: "It is par-

ticularly important that the exercise of the power of compulsory process be carefully circumscribed when the investigative process tends to impinge upon such highly sensitive areas as freedom of speech or press, freedom of political association, and freedom of communication of ideas, particularly in the academic community. . . . [T]he areas of academic freedom and political expression" are "areas in which government should be extremely reticent to tread." Two other Justices said in the same case: "These pages need not be burdened with proof, based on the testimony of a cloud of impressive witnesses, of the dependence of a free society on free universities. This means the exclusion of governmental intervention in the intellectual life of a university." *Sweezy v. New Hampshire*, 354 U.S. 234, 245, 250, 262. The Court there held that Sweezy, a university teacher, could not constitutionally be required to answer certain questions about his political activities and connections. Barenblatt was a university teacher. He was convicted because he would not answer certain questions about his political activities and connections. Though the two cases are not identical and *Sweezy* does not prove that Barenblatt's conviction violates his constitutional rights, it does show that this conviction raises serious constitutional questions. Delegation of power to a congressional committee must be construed narrowly when a narrow construction avoids serious constitutional questions. *United States v. Rumely*, 345 U.S. 41. The words of the Committee's charter, "investigations of . . . un-American propaganda activities", need not and therefore should not be interpreted to authorize the Committee to select for investigation political activities and connections of university teachers. We must suppose that if Congress had intended to authorize such an investigation it would have done so explicitly.

We need not consider whether the Committee's questions to Barenblatt were pertinent to an investigation of Communists in the field of education. The force of the

Court's decision in *Watkins* that the Committee had no definite assignment, and therefore no authority to compel testimony, is not destroyed by the Court's decision that the questions *Watkins* refused to answer were not clearly pertinent to the investigation in which the Committee was then engaged. "[W]here there are two grounds, upon either of which an appellate court may rest its decision, and it adopts both, 'the ruling on neither is *obiter*, but each is the judgment of the court and of equal validity with the other.'" *United States v. Title Ins. & Tr. Co.*, 265 U.S. 472, 486. And even if the Supreme Court's demonstration that the Committee on Un-American Activities had no authority to compel testimony were *obiter*, this court should defer to it.

Although, on examination, the answer to a question is plain, higher courts commonly require lower courts to make the examination and decide the question in the first instance. The Supreme Court followed the usual practice in this case.

FAHY, *Circuit Judge*, with whom WASHINGTON, *Circuit Judge*, joins, *dissenting*: Reading *Sweezy* in the light of *Rumely* and *Watkins*, I think the Committee could not proceed to investigate the field of education—at least with the use of compulsory process, under the sanction of contempt—without a more specific authorization than it had been given, and that therefore the conviction must be reversed. It is unnecessary here to go into the question whether *Watkins* holds the Committee to be without authority to compel testimony on any subject of inquiry.

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